

BASIC COURT OF PRISTINA

P.nr.381/13

29 May 2015

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

IN THE NAME OF THE PEOPLE

The Basic Court of Pristina, in the trial panel composed of EULEX Judge Mariola Pasnik, as Presiding Judge, Kosovo Judge Suzana Qerkini and EULEX Judge Arkadiusz Sedek, as Panel members, with the assistance of the court recorder Muhamet Musliu, in the criminal case against:

- 1. I.K.**, son of XXX, born on XXX in XXX village, Kamenica, ID number XXX, Police Captain, currently residing at Fushe Kosova, XXX, male, married, 3 children, Kosovo Albanian;

Charged in the summary indictment of the Special Prosecution Office of Republic of Kosovo with reference number PPS 4/10 dated 27 October 2011 with the criminal offence of *Abusing Official Position or Authority* in violation of Article 339 paragraph 1 of the Provisional Criminal Code of Kosovo (hereinafter “CCK 2003”); and with the criminal offence of *Falsifying Official Documents* in violation of Article 348 paragraph 1 of the CCK 2003;

After conducting main trial hearings on 1 and 3 December 2014, 19 February 2015, 16 April 2015 and 27 May 2015;

After the deliberation and voting that took place on 27 May 2015;

In the presence of the defendant and the prosecutor, pursuant to Article 359 Paragraph 1 of the Criminal Procedure Code of the Republic of Kosovo No. 04/L-123 (hereinafter “CPC”), in public, on 29 May 2015 renders the following:

J U D G M E N T

I.

Pursuant to Article 363 par. 1.3 of the CPC, in relation to **Count 1** of the indictment, the charge is:

REJECTED

Because:

The period of statutory limitation has expired. The offence of Abuse of Official Position is punishable with up to one year imprisonment pursuant to Article 339 (1) CCK 2003, and with 6 months to 5 years pursuant to Article 422 of Criminal Code of The Republic of Kosovo ('the CCRK'). The CCK 2003 is therefore applied as the law most favourable to the defendant (Article 3 par. 2 of the CCRK). The statutory limitation period for an offence punishable with up to one year imprisonment is 2 years. Criminal prosecution shall be prescribed in every case where twice the period of statutory limitation has elapsed (Article 90 par. 1.6 Article 91 (6) CCK 2003). The offence of Abuse of Official Position as alleged in Count 1 was committed in September 2010. Twice the period of statutory limitation has elapsed and therefore Count 1 is rejected.

* * *

II.

Pursuant to Article 365 of the CPC, in relation to **Count 2** of the indictment, the defendant I.K. is found:

GUILTY

Because:

In September 2010, whilst working as an official person for Kosovo Police and holding the position of Head of the Weapons Authorization Unit falsified the following official documents, namely 'Decisions for Carrying a Belt Weapon' listed by document number as follows: 02B0075, 10B0091, 10C0053, 10B0084 and 10C0026 by intentionally entering false content into these official documents.

Thereby, the defendant I.K. committed the criminal offence of **Falsifying Official Documents** in violation of Article 348 (1) of the CCK 2003.

Therefore, pursuant to the provisions of Article 3 par. 2 of the CCRK and Articles 36(2), 38(1, 2), 39(1, 2), 41(1.1), 42, 43, 44, 54(2.1) and 348(1) of CCK 2003 and Articles 359, 361, 365 par.1, 366 of the CPC, the court imposes the following sentence:

I.K.

- For the criminal offence under Point II of this judgment, is sentenced **to one (1) year of imprisonment which shall be suspended for a period of two (2) years.**
This punishment shall not be executed if the defendant does not commit another criminal offence for the verification period.
- Additionally the defendant is fined with the amount of two hundred fifty (250) Euros which shall be paid within two (2) months after the judgment becomes final;

III.

Pursuant to Articles 450(2) and 453(1) of CPC the defendant is obliged to pay the cost of the criminal proceedings in the amount of 150 Euros which shall be paid within fifteen (15) days after the judgment becomes final.

IV.

The Injured Party may pursue a claim for compensation through the civil courts.

REASONING:

I.Procedural Background:5

II.The applicable procedural law:6

III.Established fact by the trial panel:6

IV.Evidence administered at the main trial:9

V.Assessment of evidence: 10

The testimony of witness T.C. 10

The testimony of witness Z.K. 11

The testimony of witness I.R...... 12

The testimony of witness H.L. 12

The testimony of witness E.A. 13

The testimony of witness A.R. 14

The testimony of expert witness N.I. 15

The testimony of defendant I.K. 16

Documentary evidence 18

VI.Legal Qualification: 18

VII.Sentencing: 19

VIII.Cost of criminal proceedings: 19

IX.Property claim:..... 19

X.Conclusion:20

I. Procedural Background:

1. On 25 January 2011 the Special Prosecution Office of the Republic of Kosovo (SPRK) office issued a Ruling of Initiation of Investigation (RoI) against the defendant I.K. who was suspected of having committed the criminal offences of Abuse of Official Position or Authority contrary to Article 339 of CCK (2003) and the criminal offence of Falsifying Official Documents, contrary to Article 348 of CCK (2003).
2. On 14 July 2011 Pristina District Court, acting pursuant to the application of the SPRK dated 8 July 2011, issued a ruling to extend the investigation period until 25 January 2012.
3. On 1 November 2011 a summary indictment against the defendant was filed by the SPRK. The indictment charged the defendant with two counts: Count1: Abuse of Official Position or Authority, contrary to Article 339(1) of CCK (2003) and Count2: Falsifying Official Documents, contrary to Article 348(1) of CCK (2003).
4. On 26 March 2014 an initial hearing was conducted. The defendant was given the opportunity to file an objection against the indictment or evidence.
5. On 24 April 2014 the defendant filed an objection requesting to declare certain evidence as inadmissible and requested from the presiding trial judge to dismiss the indictment.
6. On 28 May 2014 the presiding trial judge rejected the application of the defendant as ungrounded.
7. On 17 June 2014 the defendant filed an appeal challenging the decision of the presiding trial judge to reject his application seeking from the court to declare certain evidence as inadmissible and in addition to dismiss the indictment.
8. On 24 July 2014 the Court of Appeal rejected the appeal of the defendant and affirmed the decision of the presiding trial judge.

9. On 1 and 3 December 2014, 19 February 2015, 16 April 2015, 27 May 2015 main trial hearings were conducted.
10. On 29 May 2015 the trial panel announced the verdict as in the enacting clause of this judgment.

II. The applicable procedural law:

11. According to Article 541 of the CPCK the criminal proceeding in which indictment has been filed but not confirmed before the entry into force of the present code, will be processed based on the provisions of the new code. In this case the summary indictment was filed at the time the new CPCK was not in force, but the main trial started at the time when the new CPCK was in force. Therefore, the proceedings shall be governed by the new CPCK.

III. Established fact by the trial panel:

12. The factual allegations that were raised in the Count 1 of the summary indictment were qualified by the prosecution to be in violation of Article 339(1) of CCK 2003. Since there is an absolute bar to prosecute this criminal offence the court rejected this charge without entering into merits of these allegations.
13. Regarding the allegations raised in Count 2 of the indictment the court established beyond a reasonable doubt the following facts:
14. In September 2010 the defendant I.K. was working for Kosovo Police as the Head of the Weapons Authorization Unit. This unit was part of the department Directorate for Internal Services whose head was Z.K.. The directorate for Internal Services was part of the Department of the Staff and Administration which was headed by T.C. These are well-known facts which are disputed by no one in this procedure.
15. According to Standard Operating Procedures (SOP) named “The Procedure for Issuance of the Authorization Card for Weapons for Personal Protection” the Head of Weapons Authorization Unit, namely the defendant I.K., had the

following responsibility:

“10. After the completion of all steps and procedures mentioned above, the Chief of WAU shall send the application together with all the reports to the Director of Internal Services or his/her designee for recommendation, and the director will forward it to the Head of Department for Personnel of KPS.

11. The Director of Internal Serviced of KPS shall review the application and make his/her recommendation, and shall send it to the Head of Department of Personnel of KPS, for decision.

12. Then the Head of Department for Personall of KPS shall return the application file together with his/her signed decision, through the chain of command, to the Chief of WAU.”

16. Therefore, as may be noted from the language of the SOP above, the defendant I.K. did not have the authority neither to give recommendations nor to decide whether an application should be granted or rejected. His duty was to prepare the application with all necessary documents and to send it to the Director of Internal Services, which in this case was Z.K. The latter was responsible to provide a recommendation regarding the application and then finally the Head of Department for Personnel, which in this case was T.C., had the authority to issue the final decision to grant or reject a certain application.
17. In September 2010, the defendant was not acting as the Head of Directorate of Internal Services or Head of Department for Administration and Personnel. Eventhough the defendant claims that sometimes he was acting as Head of Internal Services, in September 2010, this was not the case. This is confirmed by witnesses T.C. and Z.K. In addition if he was acting in one of these positions there would not be needed to alter the signature to make it look like the signature of Z.K., but rather would sign with his own signature. Moreover, the defendant alleged that he has not signed those documents and was completely rebutted by the findings of expertise.
18. In September 2010 the following official documents of Kosovo Police were falsified: 02B0075, 10B0091, 10C0053, 10B0084 and 10C0026. These documents had two places for signature: the first line was reserved for signature of the Head of Directorate of Internal Services (or acting) which in that time

was Z.K. and the second line was reserved for the signature of the Head of the Department for Administration and Personnel (or acting) which in that time was T.C..

- In document **02B0075** the defendant forged the signature of Z.K. twice. In the first line purporting to be the signature of Z.K., whereas on the second line purporting to be Z.K. signing on behalf of T.C.
 - In document **10B0091** the defendant in the first line signed as acting Head of Internal Services, whereas on the second line he forged the signature of Z.K. purportedly signing on behalf of T.C.
 - In document **10C0053** the defendant in the first line signed as acting Head of the Internal Services, whereas in the second line he forged the signature of Z.K. purportedly signing on behalf of T.C.
 - In document **10B0084** the defendant in the first line forged the signature of Z.K., whereas the signature in the second line is forged as well but the expertise did not conclude who entered this signature.
 - In document **10C0026** the defendant in the first line signed as acting Head of the Internal Services, whereas in the second line he forged the signature of Z.K. purportedly signing on behalf of T.C.
19. The defendant in his statement given to SPRK and later endorsed by him during the main trial partially admitted to have signed some of the documents mentioned above.
20. Therefore, based on the expertise of the graphologist, the statements of T.C. and Z.K. as well as the statement of the defendant I.K., the court concludes beyond a reasonable doubt that the defendant in September 2010, whilst working as an official person for Kosovo Police and holding the position of Head of the Weapons Authorization Unit falsified the following official documents, namely 'Decisions for Carrying a Belt Weapon' listed by document number as follows:

02B0075, 10B0091, 10C0053, 10B0084 and 10C0026 by intentionally entering false content into these official documents.

IV. Evidence administered at the main trial:

21. The trial panel during the main trial administered the following evidence:

- Police reports from the search of defendant's office;
- Forensic report dated 4 October 2011;
- Decision for weapon authorization no. 02B0075, dated 13 September 2010;
- Decision for weapon authorization no. 10B0091, dated 21 April 2010
- Decision for weapon authorization no. 10C0053, dated 20 April 2010;
- Decision for weapon authorization no. 10B0084, dated 5,6 July 2010;
- Recommendation for weapon authorization no 10B0084 dated 5 July 2010;
- Decision for weapon authorization no. 10C0026, dated 21 April 2010;
- Statement of witness I.R., dated 3 February 2011;
- Statement of witness H.L., dated 4 February 2011;
- Statement of witness Z.K., dated 8 December 2010;
- Statement of witness Z.K., dated 7 February 2011;
- Statement of witness T.C., dated 8 December 2010;
- Statement of witness T.C., dated 22 February 2011;
- Statement of the defendant I.K. dated 18 March 2011.

V. **Assessment of evidence:**

The testimony of witness T.C.

22. The witness testified three times in this criminal procedure: once before Kosovo Police on 8 December 2010, the second time before the SPRK Prosecutor on 22 February 2011 and the third time she testified before the trial panel on 1 December 2014. The narrative of all these three statements is consistent. In summary the witness testified as follows:
23. In September 2010 the witness was working with Kosovo Police as the Head of the Staff and Administration Department. Her responsibility was to manage the Directorate of Personnel Directorate of Health Services and Directorate of Internal Services. The Unit for Weapons Authorization was part of the Directorate of Internal Services. According to the witness she was the last authority to approve or reject the applications for weapon authorization.
24. During September 2010 the witness noticed some irregularities in issuing authorizations to carry out weapons. Specifically, in the documents comprising the application of the applicant R.A. she noticed that instead of her signature it was the signature of Lieutenant Colonel Z.K.. She approached the Lieutenant Colonel Z.K. and asked about the signature. The latter informed the witness that the abovementioned signature was not hers. At this moment the witness informed her supervisor R.S. and in the same time she proposed that an investigation is carried out by the competent persons. The witness suspected that in addition to signature being falsified there were some irregularities with the stamped that was used as well.
25. Finally the witness testified that none of the signatures in the following Kosovo Police official documents 02B0075, 10B0091, 10C0053, 10B0084 and 10C0026 were her signatures.
26. The testimony of this witness is credible. It corroborates with the statement of witness Z.K. as well as the findings of the expertise.

The testimony of witness Z.K.

27. The witness testified three times in this criminal procedure: once before Kosovo Police on 18 November 2010, the second time before the SPRK Prosecutor on 7 February 2011 and the third time she testified before the trial panel on 1 December 2014. The narrative of all these three statements has minor discrepancies. In summary the witness testified as follows:
28. The witness is a Kosovo Police officer and during 2010 she was the Head of the Department for Internal Services. She was in charge of giving recommendations for granting weapon authorizations and in the same time she was the supervisor of the whole process from the moment the applicants applied to the Unit for Weapon Authorization. The witness testified that the defendant I.K. during 2010 was the Head of the Unit for Weapon Authorizations.
29. On 20 September 2010 the witness talked to the witness T.C.. The latter asked her angrily why she signed on her behalf while the witness T.C. was at work. After the witness looked at the documents showed to her by T.C. she noticed that those signatures were not hers. The witness checked all her files and noticed that five cases seemed suspicious to her. The witness approached the defendant I.K. and asked him “captain why did you do this, why?”, and he answered “one word, he said Daut Haradinaj”,
30. The witness testified that she does not recognize the signatures in the documents 10B0091, 10B0084, whereas the signatures in the documents 10C0053, 10C0086, the witness was not sure. The witness stated that she did not authorize the defendant to sign on her behalf.
31. The testimony of this witness is credible. It corroborates with the statement of witness T.C. as well as the findings of the expertise.

The testimony of witness I.R.

32. The witness I.R. was a Kosovo Police officer during 2010. He served as Supervisor of the sector for granting permits for hunting and long barrelled weapons. According to the witness the person who gave recommendations for small weapons was the Director of Internal Services, whereas the final approval was given by the Head of Division for Administration and Personnel.
33. The witness stated that on 22 September 2010 T.C. called him and requested that the last three applications which were approved to be sent to her. These three applications belonged to: A.G., R.A. and F.M.. When he sent these applications to T.C., she later returned to him the application of A.G., whereas she kept the other applications. She asked the witness why Z.K. signed the application of R.A. on her behalf because she was working at that time. The witness answered that it was not his job to deal with signatures. The witness stated that Z.K. was on leave from 20 to 25 September 2010 and no one was officially appointed to replace her. The witness stated that I.K. replaced Z.K. while she was on her maternity leave, until Major H.P. came.
34. This witness is credible. His statement corroborates with the statement of T.C..

The testimony of witness H.L.

35. This witness gave a statement on 4 February 2011 before the SPRK Prosecutor and on 3 December 2014 before the trial panel. The testimonies were consistent with one another and in sum was as follows:
36. In September 2010 the witness was working for Kosovo Police as a senior officer in the weapon authorization unit. This unit has three sections: the section of private insurance companies, the section of the short barrelled weapons and the section for long barrel weapons. Most of the time the witness was working for the section of private insurance companies. This sector and the sector for short barrelled weapons share the same office/room. The defendant was her superior. The witness explained the procedure to obtain an authorization to

carry a weapon. She stated that the applicant had to come to their office and fill an application which contained three questions. This procedure was governed by UNMIK Regulation 2011/7. According to the witness it was the Head of the Department who signed the authorizations for weapons. She does not know if someone else could sign on behalf of the head of the department. The witness stated that she made the verification of criminal background for the applicant R.A. and this happened by the end of August or beginning of September. This applicant had four or five cases (criminal cases) which figured out in the database. Since the applicant had a criminal record she asked from him to provide to the Police or other documents regarding this issue. She received the originals from the applicant, made copies which were handed to the defendant I.K. and the originals were returned to the applicant R.A.

37. The witness stated that the persons who were competent to sign the authorizations for weapons were T.C. and Z.K. According to the witness the defendant was on annual leave starting by the end of August until the beginning of September.
38. The court finds this witness to be credible. Her testimony corroborates with the statement of E.A., T.C. and Z.K..

The testimony of witness E.A.

39. This witness gave a statement to the SPRK Prosecutor on 24 May 2011 and testified before the trial panel on 3 December 2014. The following is a summary of his testimony:
40. In September 2010 the witness worked for Kosovo Police. Initially he used to be a clerk and then he was promoted to an officer for database for weapons. However, he was doing the same work before and after the promotion. The witness and H.L. were both doing the verification of criminal background of the applicant. Later for efficiency purposes it was decided that E.A. would make criminal background verification of the applicants of the section for short weapon, whereas H.L. would do that for insurance companies.

41. The witness stated before the prosecutor that the case of R.A. case as an urgent case. However, during the main trial he said that he forgot this detail. According to the statement given before the prosecutor the defendant I.K. told him that this was an urgent case.
42. In his statement given before the prosecutor the witness stated that while the defendant was on leave, the latter came in the office and asked about the application of R.A. Further, the witness stated that the defendant took with himself this application after he was notified that administrative works regarding that application were completed. However, during the testimony in the main trial he said that he forgot this detail and that his memory was better when he gave the interview before the prosecutor.
43. The court finds this witness to be credible. His testimony corroborates with the statement of H.L., T.C. and Z.K.

The testimony of witness A.R.

44. On 3 December 2014 the witness A.R. gave the following account before the trial panel:
45. The witness is an investigator of the Special Anti-Corruption Department, Kosovo Police. He received a request, through the chain of command, to initiate investigation because there were some suspicions that the signatures of two Kosovo Police officers were forged. There were some suspicions regarding the use of stamps as well.
46. After some initial investigative steps were undertaken and the investigators informed the Prosecutor in regards and the investigation team was of the opinion that there were enough elements to initiate a criminal procedure. Further actions were undertaken based on the authorization of the Prosecutor like: interviewing certain persons, collection of samples of signatures etc. Briefly, the investigation team collected all the documents requested by forensic laboratory. After some time the laboratory provided the result which was then

forwarded the SPRK Prosecutor.

47. The court finds this witness to be credible. He gave an explanation of the investigative steps that were conducted during the pre-trial phase. His testimony only clarified the report which was prepared during the investigative stage.

The testimony of expert witness N.I.

48. The expert witness testified before the trial panel on 19 February 2015. During her testimony she explained the expertise report which was prepared on 4 October 2011. The expert witness concluded as follows:

Signatures in the document 02B0075;

Signature in the second line of the document 10B0091;

Signature in the second line of the document 10C0053;

Signature in the first line of the document 10B0084;

Signature in the second line of the document 10C0026;

Signature in the document named "Recommandation for Weapon Authorization" 10B0084;

The abovementioned signatures when compared with samples from evidence 2 and 8, which samples belonged to Z.K. and T.C. respectively, no general and individual characteristics were noticed between them. In the same time the expertise concluded that the abovementioned signatures had general and individual characteristics which match the samples 4 and 6, both samples belonging to the defendant I.K.

49. The expertise further concluded that signature in the second part of the document 10B0084 did not match with any of the samples as there are not enough characteristics to make the comparison such as limited letters, lack of identifying characteristics, signatures are not written naturally etc.
50. The court finds the testimony of the expert witness as absolutely convincing evidence. She explained in details how she reached the conclusion in the written

expertise report.

51. The written report prepared by the expert is written in a professional and convincing manner. The court finds this expertise report as plausible and reliable document which assisted the court in reaching a fair decision in this case.
52. The expert herself is a professional who was trained in 2007 by the FBI for a year. After that she was certified as an expert and is working in this profession ever since. Since 2008 she has conducted approximately twenty (20) expertises of this kind every year. Therefore, the court finds that the expert is professional and reliable.

The testimony of defendant I.K.

53. On 18 March 2011 the defendant I.K. gave the following account before the SPRK Prosecutor which was later endorsed by him during the main trial with few exceptions:
54. The defendant is a police officer working for Kosovo Police. During 2010 he served as Head of the Unit of Weapon Authorizations. The main responsibilities of the defendant were to manage this unit. The main work was to accept and complete the file for the applications requested for an authorization to carry weapons. After the file would be completed it was his responsibility to provide recommendations regarding the decisions to accept or reject the applications. According to the defendant, in absence of his superiors, he was entitled to decide whether to accept or reject a certain application. The defendant stated that based on the applicable regulations there were two criteria in order to authorize someone to carry a belt weapon: 1) the applicant must have a clean criminal background and 2) must be vulnerable.
55. According to the defendant his main responsibility was to complete and verify each document in the case file, then provide a recommendation and then pass the application to higher instances – the Director of the Directorate of Internal

Services – for signature. In absence of the director the defendant would perform these duties. According to the defendant when Z.K. was not working he would substitute her. When she was absent from work for a short period of time the defendant would sign on her behalf with a “for” before the signature, whereas when she was missing for longer periods of time the defendant would just sign on her behalf without a “for”, because he was acting director.

56. Regarding the application of R.A. the defendant stated that he gave the positive recommendation for his application but this was done in the presence of the witness Z.K. and that was done in the office of the defendant. According to the defendant Z.K. said that R.A. has a criminal case but the statutory limitations for this case expired.
57. The defendant alleged that both signatures in the document 02B0075 belong to Z.K.
58. The defendant alleged that none of the signatures in the document 10B0084 belonged to him.
59. The defendant alleged that the signature in the first line of the document 10B0091 belonged to him, whereas the signature in the second line belonged to Z.K. He admitted that the document had his stamp.
60. The defendant alleged that the signature in the first line of the document 10C0053 belonged to him, whereas the signature in the second line belonged to Z.K. He was not able to tell which stamp was used on the document.
61. The defendant alleged that the signature in the first line in the document 02B0075 belonged to him.
62. The allegations of the defendant are rebutted by the findings of the expertise, the statements of witnesses T.C. and Z.K., testimony of E.A. and H.L. From all the evidence of the case files it came clear that the witness signed the contested documents without having the proper authority to do so and without any authorization to sign on behalf of the authorities. He intentionally entered false content in the documents mentioned in the enacting clause of the judgment.

Documentary evidence

63. The case file contains other documents which were procedures in the course of investigation but which are not relevant for the purposes of establishing the facts of this case.

VI. Legal Qualification:

64. Count 1 of the summary indictment alleges that the criminal offence with which the defendant is charged took place in September 2010. The criminal offence of Abuse of Official Position is punishable with up to one year imprisonment pursuant to Article 339 (1) CCK 2003, and with 3 months to 3 years pursuant to Article 442 of Criminal Code of Kosovo ('the CCK'). The CCK 2003 is therefore applied as the law most favourable to the defendant. The statutory limitation period for an offence punishable with up to one year imprisonment is 2 years. Criminal prosecution shall be prescribed in every case where twice the period of statutory limitation has elapsed (Article 91 (6) CCK 2003). The offence of Abuse of Official Position as alleged in Count 1 was committed in September 2010. Twice the period of statutory limitation has elapsed and therefore Count 1 is rejected.
65. Regarding Count 2 of the indictment the court has established the facts as presented in the enacting clause. These facts, namely the falsification of official documents of Kosovo Police consumes all elements of the criminal offence of **Falsifying Official Documents** in violation of Article 348 (1) of the CCK 2003. Therefore, the court qualified these actions as stipulated in the enacting clause of the judgment.
66. The court finds that the old Criminal Code (2003) is more favourable for the defendant because the provisions of this code stipulate that the sentence for this criminal offence is by imprisonment from three (3) months to three (3) years, whereas the new Criminal Code (2013) for the same criminal offences foresees a sentence with imprisonment of six (6) months to five (5) years.

67. Therefore, pursuant to Article 3(2) of CCK (2013), the applicable substantive law in the present case is the Criminal Code of Kosovo (2003).

VII. Sentencing:

68. The court, pursuant to Article 64 of CCK (2003), took into consideration mitigating and aggravating circumstances when decided to impose the sentence against the defendant. According to Article 348(1) of CCK (2003) the range of punishment for the commission of the criminal offence of **Falsifying Official Documents** is from three months to three years of imprisonment.

69. As mitigating circumstances in the present case were taken into account the correct behaviour of the defendant throughout the criminal procedure. In addition, he is a family person and close to retirement.

70. As aggravating circumstances the court took into consideration the fact that the defendant issued authorizations to carry out weapons which are very sensitive decisions.

71. Taking into consideration all these elements the court was of the opinion that one year imprisonment, to be suspended for two years, is a proportionate measure in this case when combined with the fine that was imposed.

VIII. Cost of criminal proceedings:

72. Pursuant to Articles 450(2) and 453(1) of CPC the defendant is obliged to pay the cost of the criminal proceedings in the amount of 150 Euros which shall be paid within fifteen (15) days after the judgment becomes final.

IX. Property claim:

73. Since the information collected in the criminal proceedings do not provide a reliable basis for either a complete or a partial award, the court pursuant to

Article 463(2) of CPCCK decided to instruct the injured party to pursue the entire property claim in civil litigation.

X. Conclusion:

74. Taking into consideration the above mentioned arguments the court decided as in the enacting clause.

Mariola Pasnik,
Presiding Judge

Muhamet Musliu
Court Recorder

LEGAL REMEDY: Authorized persons (defendant, prosecutor and injured party) may file an appeal against this judgment to the Court of Appeals through this court. The appeal may be filed within fifteen days (15) from the day the copy of written judgment has been served to the parties.