

# KO

**Special Prosecution Office of the Republic of Kosovo  
Prokuroria Speciale e Republikës së Kosovës  
Kancelarija Specijalnog Tužilaštva Republike Kosovo**

Prishtinë/Priština, 04<sup>th</sup> of July 2014  
PPS No. 42/13

**To the Basic Court in Prishtina**

---

Pursuant to Articles 240 (1), 241 and 242 of the Kosovo Criminal Procedure Code (CPC), I, Andrew Hughes, international SPRK Prosecutor, herewith file this

**INDICTMENT**

**with Notice of Corroboration,**

**and Applications for Extension of Detention on Remand**

**as well as for Witness Protection Measures**

**AGAINST:**

Name/Surname	Naser <b>KELMENDI</b>
Father's Name	Meta
Date of Birth	15 February 1957
Place of Birth	Peja/Kosovo
Gender	Male
Address	currently Dubrava Detention Centre
Citizenships	Kosovo, Bosnia and Herzegovina

**charged with:**

- 1. ORGANIZED CRIME**, in violation of Article 274 of the Kosovo Criminal Code of 2003 (CCK):

(1) *Whoever commits a serious crime as part of an organized criminal group shall be punished by a fine of up to two hundred fifty thousand (250,000) EUR and imprisonment of at least seven (7) years.*

(2) *Whoever actively participates in the criminal or other activities of an organized criminal group, knowing that his or her participation will contribute to the commission of serious crimes by the organized criminal group, shall be punished by imprisonment of at least five years.*

(3) *Whoever organizes, establishes, supervises, manages, or directs the activities of an organized criminal groups shall be punished by a fine up to five hundred thousand (500,000) EUR and by imprisonment of seven to twenty years.*

(4) *Whoever commits the offence provided for in paragraph 2 of the present article shall be punished by a fine of up to 500,000 EUR and by imprisonment of at least ten years or by long-term imprisonment if the activities of the organized criminal group result in death.*

(7) *for the purposes of the present article,*

1) *The term "organized crime" means a serious crime committed by a structured group in order to obtain, directly or indirectly, a financial or other material benefit.*

2) *The term "organized criminal group" means a structured group existing for a period of time and acting in concert with the aim of committing one or more serious crimes in order to obtain, directly or indirectly, a financial or other material benefit.*

3) *The term "serious crime" means an offence punishable by imprisonment of at least four years.*

4) *The term "structured group" means a group of three or more persons that is not randomly formed for the immediate commission of an offence and does not need to have formally defined roles for its members, continuity of its membership or a developed structure.*

## **2. AGGRAVATED MURDER**, in violation of Article 147 CCK:

*A punishment of imprisonment of at least ten years or of long-term imprisonment shall be imposed on any person who: ...*

3) *Deprives another person of his or her life in a cruel or deceitful way; ...*

5) *Deprives another person of his or her life while acting ruthlessly and violently; ...*

7) *Deprives another person of his or her life for the purpose of obtaining a material benefit; ... (or)*

9) *Deprives another person of his or her life because of unscrupulous revenge or other base motives...*

### 3. UNAUTHORIZED PURCHASE, POSSESSION, DISTRIBUTION OR SALE OF DANGEROUS NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, in violation of Article 229 CCK:

(1) *Whoever, without authorization purchases, possesses with the intent to sell or distribute or offers for sale substances or preparations which have been declared by law to be narcotic drugs, psychotropic substances or analogues shall be punished by a fine and by imprisonment of one to 5 years.*

(2) *Whoever, without authorisation, distributes, sells, transports or delivers substances or preparations which have been declared to be dangerous narcotic drugs or psychotropic substances with the intent that they shall be distributed, sold or offered for sale shall be punished by a fine and by imprisonment of one to eight years.*

(3) *Whoever, without authorization, exports or imports substances or preparations which have been declared to be dangerous narcotic drugs or psychotropic substances, shall be punished by a fine and by imprisonment of three to ten years.*

(4) *When the offence provided for in paragraphs 1, 2, or 3 of the present article is committed under one or more of the following circumstances, the perpetrator shall be punished by a fine and by imprisonment of three to fifteen years: ...*

*1) The perpetrator is acting as a member of a group...*

### 4. UNAUTHORIZED PRODUCTION AND PROCESSING OF DANGEROUS NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, in violation of Article 230 CCK 2003:

(1) *Whoever, without authorization, cultivates, produces, **processes**, **extracts** or prepares substances or **preparations** which have been declared to be dangerous narcotic drugs or psychotropic substances with the intent to sell, **distribute** or offer them for sale shall be punished by a fine and by imprisonment of one to ten years.*

(2) *Whoever, without authorisation, sells an analogue or **processes** an **analogue** with the intent to sell, **distribute** or offer it for sale shall be punished by a fine and by imprisonment of six months to three years.*

(3) *Whoever, without authorization, sells or **supplies** equipment or **materials** with the knowledge that they have been used or they will be used for the unlawful cultivation, **production** or **processing** or trafficking of any substance or preparation which has been declared to be a dangerous narcotic drug or psychotropic substance or any **analogue**, shall be punished by a fine and by imprisonment of one to three years.*

(4) *When the offence provided for in paragraph 1, 2 or 3 of the present article is committed under one or more of the following circumstances, the perpetrator shall be punished by imprisonment of three to fifteen years, or by a fine and imprisonment, if:*

*1) The perpetrator is acting as a member of a group...*



*(6) For the purpose of the present article..., the term “analogue” means any substance which is not otherwise authorized and whose chemical structure is substantially similar to that of substances or preparations which have been declared to be dangerous narcotic drugs or psychotropic substances whose effects it reproduces.*

## PROCEDURAL HISTORY

- 1) On 19 September 2012, an order to conduct an investigation against Defendant **Naser Kelmendi** was issued by the Prosecutor’s Office of Bosnia and Herzegovina because of a grounded suspicion that **Naser Kelmendi** was involved in the organized illicit international traffic in narcotic drugs and in the organization of the murder of Ramiz Delalic.
- 2) On 18 September 2012, detention on remand was ordered against Defendant **Naser Kelmendi** and others by the Court of Bosnia and Herzegovina, because there was a grounded suspicion they committed the aforementioned activities and the court concluded that the Defendant fled; respectively undertook activities in order to escape or evade criminal prosecution in Bosnia and Herzegovina.
- 3) Also on 18 September 2012, an order for the issuance of an international arrest warrant against the Defendant and others was issued.
- 4) The Defendant was arrested on 6 May 2013 by Kosovo Police in Pristina, Kosovo, based on an international arrest warrant issued by the Bosnian authorities. Due to a lack of an extradition agreement between Kosovo and Bosnia and Herzegovina, **Naser Kelmendi** was released on 7 May 2013.
- 5) The SPRK issued a decision on initiation of investigation on 7 May 2013, which resulted in the arrest of Defendant **Naser Kelmendi** by EULEX, following his release from KP custody on 7 May 2013 at 19.02 hrs.
- 6) The EULEX Pre-Trial Judge issued a ruling ordering detention on remand against Defendant **Naser Kelmendi** for one month. On 7 June 2013, the detention on remand was extended until 7 October 2013.



- 7) On 18 September 2013, the SPRK filed a Decision on expansion and amendment of investigation.
- 8) On 26 September 2013, the SPRK filed an Application for Extension of Detention on Remand. On 3 October 2013, the Pre-Trial Judge issued an order extending the detention until 07 January 2014.
- 9) On 18 December 2013, the SPRK filed an Application for Extension of Detention on Remand for an additional and final four months of pre-trial detention, which the pre-trial granted on 3 January 2014, thus giving an extension of detention on remand until 07 May 2014. The Pre-Trial Judge's ruling was upheld by the court of Appeals on 11 January 2014, rejecting the appeal filed by the defense as ungrounded.
- 10) On 16 April 2014, the SPRK filed an Application for Extension of Detention on Remand against Defendant **Naser Kelmendi** for an additional two months, due to witness protection issues. Defense was served with the application on 23 April 2014 and filed a response with the Basic Court on 28 April 2014.
- 11) The Pre-Trial Judge issued an order on 30 April 2014, pursuant to Article 190 (4) CPC, extending the detention until 07 July 2014, which the Court of Appeals upheld by decision dated 08 May 2014.

## **SPECIFIC CRIMINAL CHARGES**

1. **ORGANIZED CRIME**, contrary to Article 274, paragraphs (1), (3) and (7) CCK, because the Defendant, **Naser Kelmendi**, in co-perpetration (pursuant Article 23 CCK) with Fahrudin Radoncic, Ekrem Lekic, Muhammed Ali Gashi, Milovan Jeremic, Ljubisa Buha "Cume", Milan Ostojic "Sandokan", Naser Oric, Senad Sahinpasic, Nebosa Vukomanovic, Raseta Strahinja, Benjamin Halilovic, Edin Ahmetshahic and others, **did organize, establish, supervise, manage and/or direct this Structured and Organized Criminal Group (OCG)** or, did actively participate in this OCG, knowing that his participation will contribute to the commission of the serious crime of **Aggravated**

**Murder** against rival gangster boss **Ramiz Delalic “Celo”**, to obtain, directly or indirectly, a financial or other material benefit.

Summary of Allegations:

In 2006, Defendant **Naser Kelmendi** attended a number of meetings with Fahrudin Radoncic, Ekrem Lekic, Muhammed Ali Gashi, Senad Sahinasic, Naser Oric and possibly others in Sarajevo/Bosnia and Herzegovina. The participants of these meetings formed an Organized and Structured Criminal Group to plan, plot and murder rival gangster boss Ramiz Delalic “Celo”. As a result of these organized meetings, Defendant **Naser Kelmendi** offered and accepted the responsibility to identify and hire the killers that were to execute the murder of Ramiz Delalic. Well-established assassin Strahinja Raseta and his close friend and associate Nebojsa Vukomanovic from Serbia, were **hired by Defendant Naser Kelmendi** and members of his Organized Criminal Group to track and kill Ramiz Delalic. On 27 June 2007, in Sarajevo, at about 23:30 hrs, Strahinja Raseta, with the assistance of Nebojsa Vukomanovic, did shoot Ramiz Delalic multiple times using different firearms and thereby murder him. Upon returning back to his parents’ home in Sabac/Serbia, Strahinja Raseta and his accomplice Nebojsa Vukomanovic were paid at least 100,000 EUR by **Naser Kelmendi** and his OCG. Apart from the cruel and violent way this assassination was perpetrated and which Defendant **Naser Kelmendi** either knew in advance or at least took recklessly into account, he and his Organized Criminal Group also gained an economic benefit by eliminating rival gangster boss Ramiz Delalic, who was interfering with the international drug trafficking network that Defendant Naser Kelmendi had established in Sarajevo and throughout the region by giving the Bosnian law enforcement authorities information regarding Defendant **Naser Kelmendi’s** criminal activities. The murder was furthermore executed in revenge for the killing of Selver Lekic, for which the Defendant and his OCG were holding Ramiz Delalic responsible.

**2. AGGRAVATED MURDER**, contrary to Article 147, paragraphs (3) and/or (5) CCK,

because Defendant **Naser Kelmendi**, through a Structured and Organized Criminal Group as stated in Count 1, did organize the assassination of Ramiz Delalic, and consequently deprive the victim of his life in a cruel or deceitful way (paragraph 3); and/or did deprive Ramiz Delalic of his life while acting ruthlessly and violently (paragraph 5); and/or did deprive Ramiz Delalic of his life for the purpose of obtaining a material benefit (paragraph 7); and/or did deprive Ramiz Delalic of his life because of unscrupulous revenge or other base motives (paragraph 9).



Summary of Allegations:

In 2006, Defendant **Naser Kelmendi**, through his Structured and Organized Criminal Group in Sarajevo, Bosnia and Herzegovina, ordered and hired Strahinja Raseta and Nebojsa Vukomanovic from Serbia, to murder rival gangster boss Ramiz Delalic, who was interfering with Defendant **Naser Kelmendi's** organized drug trafficking operation in Sarajevo and region-wide by repeatedly denouncing these activities publicly. On 27 June 2007, at about 23:30 hrs, Strahinja Raseta shot at victim Ramiz Delalic approximately 27 times from an automatic Heckler & Koch firearm and subsequently several additional times at the head of Ramiz Delalic to make sure he was dead. Defendant **Naser Kelmendi** and his OCG then paid Strahinja Raseta and Vukomanovic at least 100,000 EUR for the murder. The murder was also ordered and executed, amongst other reasons, in revenge for the death of Sever Lekic.

3. **ORGANIZED CRIME**, contrary to Article 274, paragraphs(1), (3) and (7) CCK, because Defendant, **Naser Kelmendi**, in co-perpetration (pursuant Article 23 CCK) with K1, K2, K3, Liridon Kelmendi, Haris Mehanovic, Sead Akeljic, Zeljko Bozic, Hakija Krlic, Iljier Kastrati, Asmir Kalac and others, did organize, establish, supervise, manage and/or direct this Organized Criminal Group in the commission of Five Counts of Unauthorized Possession with intent to Sell or Distribute Dangerous Narcotic Drugs; Five Counts of the Sale of Dangerous Narcotic Drugs; and/or Five Counts of the Export/Import of Dangerous Narcotic Drugs and one Count of Unauthorized Production and Processing of Dangerous Narcotic Drugs between Turkey and European Countries.

Summary of Allegations:

From at least 2000 through 2012, **Naser Kelmendi**, as the head and director of his extensive Structured and Organized Criminal Group that included K1 (drug manager and mixer for Naser Kelmendi), K2 (directed shipments between Turkey, the Balkan region, and Holland), K3 (drug distributor in Belgrade/Serbia), Liridon Kelmendi (distribution manager of drugs to Serbia and other European countries), Mehanovic Haris (driver and bodyguard), Sead Akelic (driver), Zeljko Bozic (auto mechanic, creating hidden car compartments for drugs), Hakija Krlic (contact in Turkey), Iljier Jastrati (contact in Turkey), Asmir Kalac (coordinator of drug shipments) and others, managed and directed the purchase, preparation, transport, sale and distribution, of large amounts of Heroin, Ecstasy, Speed, and other drugs, as well as drug precursors such as acetic anhydride acid, through a well-established organized criminal network. Defendant **Naser Kelmendi** coordinated through the aforementioned individuals and many others the import/export of **tons** of these dangerous and illegal drugs in hidden car compartments such as specially



modified chambers in gas tanks, hollowed-out furniture, false bottom trucks, fruits, clothing/textile and by using other methods. Through well-coordinated drug trafficking routes, large shipments of Ecstasy pills were picked up in Holland and transported to Bosnia and Herzegovina and Kosovo, where they were repackaged and transported onwards to Istanbul/Turkey where the Ecstasy was exchanged for Heroin and other drugs. The drugs received in Istanbul were then transported back through Bosnia and Herzegovina and Kosovo and then delivered and sold to dealers and distributors throughout Europe.

**4. UNAUTHORIZED POSSESSION WITH INTENT TO DISTRIBUTE; DISTRIBUTION OR SALE; AND/OR EXPORT/IMPORT OF DANGEROUS NARCOTIC DRUGS**, contrary to Article 229, paragraphs (1),

(2), and (3) CCK,

because Defendant, **Naser Kelmendi**, in co-perpetration (pursuant Article 23 CCK) with other, including members of his OCG as listed in Count 3 did, without authorization, pursuant paragraph (1), possess with the intent to sell or distribute; pursuant paragraph (2), sell, transport or deliver , and/or, pursuant paragraph (3), export /import substances declared by law to be dangerous narcotic drugs, namely **50 kilograms of Heroin**, and the Defendant committed the crime while acting as a member of the aforementioned group, pursuant paragraph (4.1).

Summary of Allegations:

Approximately in February 2003, **Naser Kelmendi** repeatedly approached K2, and asked him to transport Heroin for him to England. K2 eventually did fly to Turkey, picked up 50 kilograms of “White Heroin” from a person called Hakija Krlic, hid them in two large clothing packages and arranged them to be transported to Tuzla in Bosnia and Herzegovina. K2’s driver, Sead Akeljic, then transported the “White Heroin” from Tuzla to Sarajevo in order to deliver the packages, as instructed by Krlic, to a person called Asmir Kalac. Shortly thereafter, K2 was asked by Kalac to come himself to Sarajevo, where K2 met Kalac and Defendant **Naser Kelmendi**, who **informed K2 that the 50 kilograms of “White Heroin” K2 had just delivered from Turkey belonged to him.**

**5. UNAUTHORIZED POSSESSION WITH INTENT TO DISTRIBUTE; DISTRIBUTION OR SALE, AND/OR EXPORT/IMPORT OF**

**DANGEROUS NARCOTIC DRUGS**, contrary to Article 229, paragraphs (1), (2) and (3) CCK,

because Defendant **Naser Kelmendi**, in co-perpetration (pursuant Article 23 CCK) with others including members of the OCG listed in Count 3, did, without authorization, pursuant to paragraph (1), possess with the intent to sell or distribute; pursuant to paragraph (2), sell, transport or deliver; and/or, pursuant to paragraph (3), export/import substances declared by law to be dangerous narcotic drugs, namely **50,000 Ecstasy tablets**, and the Defendant committed this crime acting as a member of the aforementioned group, pursuant paragraph (4.1).

Summary of Allegations:

Having completed the transport of 50 kilograms of drugs for the Organized Criminal Network of Defendant **Naser Kelmendi**, K2 agreed in early 2003 through Defendant **Naser Kelmendi's** associate Asmir Kalac, to coordinate the transportation of **50,000 Ecstasy-tablets** to Turkey. K2's driver, Sead Akeljic, transferred the drugs from Bosnia to Turkey in a hidden tank reservoir compartment built-in by mechanic Zeljko Bozic.

**6. UNAUTHORIZED POSSESSION WITH INTENT TO DISTRIBUTE; DISTRIBUTION OR SALE; AND/OR EXPORT/IMPORT OF DANGEROUS NARCOTIC DRUGS**, contrary to Article 229 paragraphs (1), (2), and (3) CCK,

because Defendant **Naser Kelmendi**, in co-perpetration (pursuant Article 23 CCK) with others, including members of the OCG listed in Count 3, did, without authorization, pursuant to paragraph (1), possess with the intent to sell or distribute; pursuant to paragraph (2), sell, transport or deliver; and/or, pursuant paragraph (3), export/import substances declared by law to be dangerous narcotic drugs, namely **100,000 Ecstasy tablets**, and the Defendant **Naser Kelmendi** committed this crime acting as a member of the aforementioned group, pursuant paragraph (4.1).

Summary of Allegations:

K2 arranged for the transportation of another **100,000 Ecstasy tablets** on behalf of Defendant **Naser Kelmendi** to Turkey. To secure this deal, K2 signed over his wife's apartment to K1 on behalf of Defendant **Naser Kelmendi** before receiving the 100,000 pills for delivery to Turkey. Attorney Alma Prnjavorac prepared the promissory note that was signed by the parties. Following the giving of this guarantee, Defendant **Naser Kelmendi** arrived with his men and **100,000 Ecstasy tablets** at a garage in Sarajevo where K2 had the gas tank of his Mercedes altered by mechanic Zeljko Bozic, building a special separate compartment to store the drugs. Under the supervision of Defendant



**Naser Kelmendi** the Ecstasy is loaded into K2's Mercedes and subsequently transported to Turkey by K2's trusted driver Sead Akeljic.

**7. UNAUTHORIZED POSSESSION WITH INTENT TO DISTRIBUTE; DISTRIBUTION OR SALE; AND/OR EXPORT/IMPORT OF**

**DANGEROUS NARCOTIC DRUGS**, contrary to Article 229, paragraphs (1), (2), and (3) CCK,

because Defendant **Naser Kelmendi**, in co-perpetration (pursuant Article 23 CCK) with others, including members of the OCG listed in Count 3, did, without authorization, pursuant to paragraph (1), possess with the intent to sell or distribute; pursuant to paragraph (2), sell, transport or deliver, and/or, pursuant to paragraph (3), export/import substances declared by law to be dangerous narcotic drugs, namely **25 kilograms of Heroin** from Turkey to Bosnia and Herzegovina, and the Defendant **Naser Kelmendi** did commit this crime while acting as a member of the aforementioned group, pursuant paragraph (4.1).

Summary of Allegations:

After delivering the 100,000 Ecstasy tablets to Turkey, the altered gas tank of K2's Mercedes that had carried the Ecstasy tablets was filled up at the direction of **Naser Kelmendi** and his OCG with **25 kilograms of Heroin**. This Heroin was then transported again by Sead Akeljic from Turkey to Tuzla/Bosnia and Herzegovina.

**8. UNAUTHORIZED POSSESSION WITH INTENT TO DISTRIBUTE; DISTRIBUTION OR SALE; AND/OR EXPORT/IMPORT OF**

**DANGEROUS NARCOTIC DRUGS**, contrary to Article 228 paragraphs (1), (2), and (3) CCK,

because Defendant **Naser Kelmendi**, in co-perpetration (pursuant Article 23 CCK) with others, including members of the OCG listed in Count 3, did, without authorization, pursuant to paragraph (1), possess with the intent to sell or distribute; pursuant to paragraph (2), sell, transport or deliver, and/or pursuant to paragraph (3), export/import substances declared by law to be dangerous narcotic drugs, namely, **a shipment of Heroin, estimated to be more than 25 kilograms**, and the Defendant **Naser Kelmendi** did commit this crime while acting as a member of the aforementioned group, pursuant paragraph (4.1).



Summary of Allegations:

In summer 2003, K2 agreed to drive to Austria in a particular VW Caddy vehicle to pick up a large truck tarpaulin there for Defendant **Naser Kelmendi**. While K2 suspected there were drugs in the VW Caddy, his mechanic was unable to find any. After driving the car to Austria, K2 sees drugs being taken out of the lining of the interior roof of the car in square shaped packages, wrapped up by light scotch tape. K2 described this shipment as “**a much bigger quantity than the one I have transported from Turkey**” (the earlier shipment contained 25 kilograms of Heroin). When asked by K2, two Albanian men present at the scene confirmed that the packages contained Heroin. When K2 later asked **Naser Kelmendi** back in Sarajevo regarding the Heroin stashed in the VW Caddy’s roof, **Kelmendi** confirmed that he had arranged for this drug transfer.

**9. UNAUTHORIZED PRODUCTION AND PROCESSING OF**

**DANGEROUS NARCOTIC DRUGS**, contrary to Article 230, paragraphs (1), (2) and (3) CCK,

because Defendant **Naser Kelmendi**, in co-perpetration (pursuant Article 23 CCK) with others, including members of the OCG listed in Count 3, did, without authorization, pursuant to paragraph (1), cultivate, produce, **process**, **extract** or prepare substances declared to be dangerous narcotic drugs with the intent to sell, **distribute** or offer them for sale shall; pursuant to paragraph (2), sell or **process** an **analogue** [as defined under paragraph (6)] with the intent to sell, distribute or offer for sale, and/or, pursuant to paragraph (3), sells or **supplies** equipment or **materials** with the knowledge that they have been used or they will be used for the unlawful cultivation, production or **processing** or trafficking of any substance or **preparation** declared to be dangerous narcotic drugs, namely **approximately 2.5 tons of acetic anhydride acid**, and Defendant did commit this crime while acting as member of the aforementioned group, pursuant paragraph (4.1).

Summary of Allegations:

After K2 brought the aforementioned truck tarpaulin from Austria to Sarajevo where Defendant **Naser Kelmendi** supervised the process of transferring **over 2 tons of acetic anhydride acid** from a large number of blue barrels through a white tube into hidden pockets built into the tarpaulin which had been set up to cover a truck. Not knowing what substance was pumped into the hidden tarpaulin pockets, K2 burned his hand when touching the acid. This acid is used for the process of “washing” Heroin in order to enhance its level of purity, finally becoming so-called “White Heroin,” a significantly more concentrated form of the drug. The acid-loaded tarpaulin was then transported to a location unknown to K2, most probably, however, to Turkey.

## GROUND FOR THE FILING OF THIS INDICTMENT

### COUNT ONE

#### Naser Kelmendi's Organized Plan to Murder Ramiz Delalic

1. Ramiz "Celo" Delalic was a gangster boss in Sarajevo, Bosnia and Herzegovina, who got into conflicts with Defendant **Naser Kelmendi** and his OCG for a number of reasons. Most importantly, he was publicly denouncing Defendant **Naser Kelmendi's** drug operations and he even "constantly cooperated with the police, prosecutors, and were talking about their jobs. By this he endangered Fahro [Radoncic] and Naser..."<sup>1</sup>
2. Moreover, Delalic used the recent war events to publicly discredit other crime groups, led by criminals of other ethnicities such as for example the group led by Darko Elez, even though organised crime in Bosnia and Herzegovina always functioned well also between ethnicities hostile to each other during the war. As this risked to hurt the business interests of these groups, they had to react.<sup>2</sup>
3. Defendant **Naser Kelmendi's** business partner and political protector in Sarajevo, Fahrudin Radoncic hated Ramiz Delalic for a number of personal reasons. Radoncic's wife had been in a relationship with Delalic during the war, before she got married to Radoncic – a circumstance which Delalic used to brag about.<sup>3</sup> Delalic also publically announced that he was in possession of documents proving Radoncic's collaboration with the enemy during the war,<sup>4</sup> as well as his intrigues against other leaders in war-time Sarajevo.<sup>5</sup>
4. Witness Sejla Turkovic, a long time employed journalist at a newspaper publishing company and a TV station owned by Fahrudin Radoncic, had developed a close working relationship with Radoncic who used to involve her in important decisions regarding his media empire.<sup>6</sup> Since she was among the few journalists working for Radoncic that had university education and spoke fluent English, Radoncic asked her to assist him during important meetings with international and local business partners and politicians.

---

<sup>1</sup> Sejla Turkovic, 23.05.2013 (date-format: day.month.year), p.3 (English version referenced if not indicated otherwise) [Binder 3, p.377].

<sup>2</sup> K3, 10.02.2014, p.6 [Binder 6, p.426].

<sup>3</sup> Sejla Turkovic, 09.04.2014, p.9 [Binder 4, p.96].

<sup>4</sup> Sejla Turkovic, 09.04.2014, p.4 [Binder 4, p.91].

<sup>5</sup> Sejla Turkovic, 15.06.2012, p.3 [Binder 3, p.351].

<sup>6</sup> Sejla Turkovic, 08.04.2014, p.3 [Binder 4, p.75].



5. Due to her previous employment with the Ministry of Interior, Sejla Turkovic also had good connections with the Sarajevo Police and Radoncic therefore put her in charge of the crime-chronicles for his 'Dnevni Avaz' newspaper.<sup>7</sup> In this capacity, Turkovic was conducting an interview with Delalic in Turkey that was published in 2006, when she witnessed a conflict erupting between Delalic and another Sarajevo underworld boss, Mohamed "Ali" Gashi, who in turn sought the help of **Naser Kelmendi** to fight Delalic. Turkovic was present when Delalic received a phone call from **Kelmendi**, threatening he would "send you the Kurds, who will kill you within an hour".<sup>8</sup> K1, who at the time was one of **Naser Kelmendi's** drug trafficking managers, was aware of this conflict, remembering that "even in Turkey there was a conflict between them, when **Naser Kelmendi** organized his people to beat up Ramiz".<sup>9</sup>
6. Apart from all the above, Delalic was also believed to have been involved in the murder of Selver Lekic who was Radoncic's godfather and so Selver's brother Ekrem Lekic plotted with Radoncic, Defendant **Naser Kelmendi** and others to seek revenge.<sup>10</sup> The plan to kill Ramiz Delalic had been developing for months, but the murder of Selver Lekic accelerated the execution of this plan.<sup>11</sup>
7. Sejla Turkovic did warn Delalic about the plot against him, but according to her, he would not take her warning seriously.<sup>12</sup> Delalic's girlfriend Azra Saric, however, described Delalic as having become increasingly worried about the information he received, prompting him not to show himself together with her in public, checking the car for explosives before driving, changing apartments more frequently than before, and even starting to wear bullet-proof vests.<sup>13</sup> Azra Saric also remembered around that time driving past the residence of Mohamed 'Ali' Gashi with Delalic, who commented that he "should do something to him [Gashi], because he and they are preparing something for me".<sup>14</sup> Witness Emir Poljak also warned Delalic, based on information received from criminal circles in Belgrade he was in contact with.<sup>15</sup> According to Poljak, Delalic asked him if those plotting against him were only after him personally or if they would also target his family.<sup>16</sup>

<sup>7</sup> Sejla Turkovic, 08.04.2014, pp.3-4 [Binder 4, pp.75-76].

<sup>8</sup> Sejla Turkovic, 08.04.2014, pp.6-7 [Binder 4, pp.78-79].

<sup>9</sup> K1, 20.02.2013, p.20 [Binder 6, p.20]; see also K1, 12.06.2014, p.1 [Binder 6, p.105/36].

<sup>10</sup> Sejla Turkovic, 23.05.2013, pp.1-3 [Binder 3, p.376-378].

<sup>11</sup> Sejla Turkovic, 09.04.2014, p.4 [Binder 4, p.91].

<sup>12</sup> Sejla Turkovic, 23.05.2013, pp.1-2 [Binder 3, pp.376-377]; Sejla Turkovic, 18.11.2011, p.3 [Binder 3, p.332]; Sejla Turkovic, 09.04.2014, p.7 [Binder 4, p.94].

<sup>13</sup> Azra Saric, 08.04.2014, pp.3, 5 [Binder 4, pp.122, 124].

<sup>14</sup> Azra Saric, 08.04.2014, p.3 [Binder 4, p.122].

<sup>15</sup> Emir Poljak, 17.07.2008, p.5 [Binder 4, p.325].

<sup>16</sup> Emir Poljak, 23.08.2012, p.4 [Binder 4, p.349].



8. As Radoncic's trusted assistant, Sejla Turkovic was personally present during several meetings held in a restaurant on the 15<sup>th</sup> floor of the 'Avaz' Building where the execution of Ramiz Delalic was planned.<sup>17</sup> Among the participants of these meetings were apart from Radoncic, Turkovic and Defendant **Naser Kelmendi** also Ekrem Lekic, Sarajevo business man Senad Sahinpasic and Naser Oric, Bosnian commander defending the Srebrenica enclave during the war.<sup>18</sup> While putting as much distance as possible between themselves and Defendant **Naser Kelmendi**, and while denying having plotted to kill Delalic, the three participants of these alleged meetings which the Prosecution was able to speak to all confirmed to have repeatedly met in the place in the settings described by Witness Sejla Turkovic.<sup>19</sup>
9. During these meetings, **Naser Kelmendi** and the other members of this organized criminal group agreed that contract killers from Serbia should be hired for this murder and that a sum of 200,000 KM (Bosnian currency, equivalent to approx. 100,000 Euro) should be paid.<sup>20</sup>
10. About a month before the murder, Sejla Turkovic attended a meeting in a rotating restaurant in the 'Radon Plaza' Hotel where **Naser Kelmendi**, Naser Oric, Fahrudin Radoncic, Senad Sahinpasic and Ekrem Lekic were present. **Naser Kelmendi** brought a smaller black suitcase that he put on the table behind his back and said that he and Oric brought the money for the murder of Ramiz Delalic and that the others should add their share. Ekrem Lekic then took off a small black 'Samsonite' bag from his shoulder and gave it to **Naser Kelmendi** who took out a large amount of money from the bag, putting it into his suitcase. Fahrudin Radoncic took money out of a green PVC bag and gave it to **Naser Kelmendi** who added also this money to his suitcase.<sup>21</sup>
11. Having volunteered to identify and hire the assassins in Serbia,<sup>22</sup> **Naser Kelmendi** personally travelled to Serbia in order to hand over the money to a middle-man who was to forward it to the assassins once the job had been completed.<sup>23</sup> Returning from Serbia, Sejla Turkovic was personally present when **Naser Kelmendi** informed the other members of the organized criminal group that he had handed over the money to a person

<sup>17</sup> Sejla Turkovic, 23.05.2013, p.3 [Binder 3, p.378].

<sup>18</sup> Sejla Turkovic, 23.05.2013, p.3 [Binder 3, p.378]. Regarding Naser Oric, Delalic's girlfriend Azra Saric remembers Delalic expressing his negative surprise about this fellow army commander having switched "to their side, meaning, to the side of Naser Kelmendi", see: Azra Saric, 08.04.2014, p.4 [Binder 4, p.123].

<sup>19</sup> Ekrem Lekic, 11.04.2014, pp.4-5 [Binder 4, pp.65-66 ]; Naser Oric, 10.04.2014, pp.4-6 (Bosnian) [Binder 4, pp.100-102]; Senad Sahinpasic, 11.04.2014, pp.4-5 [Binder 4, pp.187-188].

<sup>20</sup> Sejla Turkovic, 23.05.2013, p.3 [Binder 3, p.378].

<sup>21</sup> Sejla Turkovic, 15.06.2012, p.6 [Binder 3, p.354]; compare K1, 12.06.2014, p.2 [Binder 6, p.105/37].

<sup>22</sup> Sejla Turkovic, 09.04.2014, p.5 [Binder 4, p.342].

<sup>23</sup> Sejla Turkovic, 18.11.2011, p.3 [Binder 3, p.332].

nick-named 'Krce' in order for two well-known Serbian hit men, Milan Mitic and Strahinja Raseta, to be hired to murder Ramiz Delalic.<sup>24</sup>

12. In addition to Strahinja Raseta and Milan Mitic, a third person was hired for this assassination.<sup>25</sup> This person was Nebojsa Vukomanovic, aka 'Cetnik', closely connected to the Raseta family.<sup>26</sup> While denying his own role in this murder plot, Milan Mitic did inform the Serbian authorities about the structure of the criminal group that had accepted to kill Delalic. According to Mitic, Strahinja Raseta was a member of an organized criminal group from the Serbian town of Sabac, which was led by Milan Ostojic aka 'Sandokan'. This group had perpetrated many murders in Sabac and beyond. Strahinja Raseta would usually take over the role of the executioner, with Vukomanovic assisting him, and Milan Ostojic 'Sandokan' being the organizer.<sup>27</sup>
13. Milan Mitic claimed to have learned about the murder of Ramiz Delalic directly from Nebojsa Vukomanovic and Strahinja Raseta and that both of their stories matched to the smallest detail: Accordingly, the murder was arranged by Milan Ostojic 'Sandokan', whereby Strahinja Raseta was to be paid 100,000 euros and Vukomanovic 10,000 plus a grey vehicle Alfa Romeo.<sup>28</sup> Milan Mitic further claimed to have been informed about the persons ordering and paying for the murder, that being "Gashi Muhamed and brothers Kelmendi, all from Sarajevo."<sup>29</sup> While Mitic's attempt to distract from his own involvement in the murder of Delalic might weaken the value of his evidence, his claims are corroborated by a number of other witnesses that, while all connected to the criminal circles described above, did not have the same personal interest in shifting blame towards Strahinja Raseta and, more importantly for the purpose of this case, towards those that hired and paid Strahinja.
14. Firstly, the parents of Strahinja Raseta (pseudonyms K4 and K5) both confirmed that their son, who in the interim had died in a car explosion, had been hired to kill Delalic. According to their evidence, Milovan Jeremic aka 'Krce' first contacted Milan Ostojic aka 'Sandokan' and they then came to the house of K5 and hired his son Strahinja as well as Nebojsa Vukomanovic to murder Delalic for 200,000 Euros.<sup>30</sup> While becoming afraid for her and her husband's safety while testifying before a judge, Strahinja's mother (K4) and also his sister earlier confirmed to Serbian investigators that their son and brother had

---

<sup>24</sup> Sejla Turkovic, 18.11.2011, p.3 [Binder 3, p.332].

<sup>25</sup> Sejla Turkovic, 18.11.2011, p.4 [Binder 3, p.333].

<sup>26</sup> K5, 29.08.2013, p.3 [Binder 3, p.156]; K5, (undated), p.9 [Binder 3, p.175]; K4, (undated), p.3 [Binder 3, p.277].

<sup>27</sup> Milan Mitic, 14.10.2009, p.2 [Binder 3, p.50].

<sup>28</sup> Milan Mitic, 14.10.2009, p.2 [Binder 3, p.50].

<sup>29</sup> Milan Mitic, 15.10.2009, p.5 [Binder 3, p.67].

<sup>30</sup> K5, 29.08.2012, p.3 [Binder 3, p.156]; K5, (undated), p.7 [Binder 3, p.173]; Milan Mitic, 14.10.2009, p.2 [Binder 3, p.50].



been hired by the aforementioned individuals to kill Delalic in Sarajevo.<sup>31</sup> Moreover, Strahinja's father confirmed that the murder was commissioned and paid for by **Naser Kelmendi** and his OCG.<sup>32</sup>

15. Secondly, Strahinja's former brother-in-law Ivica Stanojevic, distant from the Raseta's since having separated from Strahinja's sister, confirmed in detail Strahinja's development into a contract killer,<sup>33</sup> his hiring to kill Delalic,<sup>34</sup> and also that Strahinja informed him about **Naser Kelmendi** and his OCG having paid for the hit.<sup>35</sup> It is important to note that the information from all these Serbian witnesses was gathered before an investigation against Defendant **Naser Kelmendi** had officially started in Bosnia and Herzegovina.<sup>36</sup> In the Prosecution's view, this militates against anticipated Defense suggestions of a conspiracy against their client.
16. According to Darko Elez, he had been told by Strahinja Raseta, Nebojsa Vukomanovic and also Milan Mitic that **Naser Kelmendi** paid for the murder of Ramiz Delalic through his Belgrade underworld contact Ljubisa Buha aka 'Cume',<sup>37</sup> who himself was in conflict with Delalic.<sup>38</sup> Elez and 'Cume' then contacted Milan Ostojic 'Sandokan', who agreed to take over the job and then hired Strahinja to execute Delalic.<sup>39</sup> Darko Elez claimed that Milan Ostojic 'Sandokan' told him all these details while detained at the Serbian Central Prison together.<sup>40</sup>
17. Another witness confirming the aforementioned record of events is Anđelko Veljancic, who claimed to have received this information first-hand from Milan Mitic while driving in a car together with him near Sarajevo, only days after the Delalic murder.<sup>41</sup> According to Veljancic, Mitic and then also Darko Elez confirmed to him at that time that Strahinja Raseta had killed Delalic and that **Naser Kelmendi** and his OCG had paid for the assassination.<sup>42</sup>
18. Finally, countering Milan Mitic's defense of having been in Serbia at the time of the murder, apart from Anđelko Veljancic, a number of other witnesses, independently of

<sup>31</sup> K4, (undated), p.5 [Binder 3, p.279].

<sup>32</sup> K5, 29.08.2012, p.3 [Binder 3, p.156].

<sup>33</sup> Ivica Stanojevic, 10.04.2012, pp.6-8 (Serbian) [Binder 4, pp.233-234].

<sup>34</sup> Ivica Stanojevic, 10.04.2012, p.21 (Serbian) [Binder 4, pp.236-237].

<sup>35</sup> Ivica Stanojevic, 10.04.2012, p.34 (Serbian) [Binder 4, p.239].

<sup>36</sup> Compare, eg., Ivica Stanojevic 10.04.2012 testimony with Initiation of Investigations in Bosnia on 13.09.2012 [Binder 1, pp.123-130].

<sup>37</sup> Darko Elez, 29.09.2012, p.4 [Binder 3, p.4].

<sup>38</sup> Sejla Turkovic, 09.04.2014, p.5 [Binder 4, p.342]; Emir Poljak, 17.07.2008, pp.4-5 [Binder 4, pp.131-132].

<sup>39</sup> Darko Elez, 29.09.2012, p.4 [Binder 3, p.4].

<sup>40</sup> Darko Elez, 29.09.2012, p.4 [Binder 3, p.4].

<sup>41</sup> Anđelko Veljancic, 10.08.2012, p.4 [Binder 4, p.379].

<sup>42</sup> Anđelko Veljancic, 10.08.2012, p.5 [Binder 4, p.380].



each other, identified the members of the hit team at locations in Sarajevo at the pertinent time. Selja Turkovic saw Milan Mitic close to her own apartment shortly before the day of Delalic's murder.<sup>43</sup> Anes Kurbegovic told Bosnian prosecutors that he met Milan Mitic and Strahinja Raseta at the apartment building he lived in, in the Alipasino Polje neighbourhood of Sarajevo.<sup>44</sup> Finally, witness Nikolina Mustapic, who helped apartment owner Nova Plakalovic renting out the flat in Azize Secirbegovic Street, recognized Strahinja Raseta as having been one of the persons staying at Plakalovic's apartment.<sup>45</sup>

19. Following the aforementioned organisational steps, the preparations for Delalic's assassination then moved into its final phase.

## COUNT TWO

### Members of Naser Kelmendi's Organized Criminal Group Carry Out the Plan To Murder Ramiz Delalic

20. The persons hired by **Naser Kelmendi** and other members of the organized criminal group arrived in Sarajevo shortly before the murder. **Naser Kelmendi** had arranged accommodations for them<sup>46</sup> through middle-man Benjamin Halilovic, renting a flat in Azize Secirbegovic Street for the hit team.<sup>47</sup>
21. While **Naser Kelmendi** is said to have provided further logistical support to the hit squad, other members of his OCG took over other preparatory tasks, such as identifying a convenient location to execute Delalic in Sarajevo. This task was entrusted to Naser Oric who arranged for the tracking of Ramiz Delalic and who would receive notice once the target would come to an apartment located on Odobasina Street in the centre of Sarajevo, where he temporarily lived.<sup>48</sup> In anticipation of the murder, **Naser Kelmendi** left Bosnia, trying to create an alibi for himself by spending time at the seaside in Montenegro.<sup>49</sup>
22. On 27 June 2009, at 23:28 hrs, an anonymous phone call informed the duty officer at the Sarajevo Police operational centre that an unidentified person had fired several shots

<sup>43</sup> Sejla Turkovic, 15.06.2012, p.5 [Binder 3, p.353]; Sejla Turkovic, 23.05.2013, p.6 [Binder 3, p.382].

<sup>44</sup> Anes Kurbegovic, 04.09.2012, p.3 [Binder 3, p.32]; see also: OCIU Photo Report on crime scene visits in Sarajevo, 18.02.2014 (stamped), pp.8-10 [Binder 5, pp.263-264].

<sup>45</sup> Nikolina Mustapic, 18.06.2012, p.1 [Binder 4, p.126].

<sup>46</sup> Sejla Turkovic, 15.06.2012, p.5 [Binder 3, p.353].

<sup>47</sup> Darko Elez, 29.09.2012, p.3 [Binder 3, p.3].

<sup>48</sup> OCIU Photo Report on crime scene visits in Sarajevo, 18.02.2014 (stamped), pp.2-3 [Binder 5, pp.257-258]; compare K1, 12.06.2014, p.2 [Binder 6, p.105/37]; see also Bosnian Crime Scene Photo Report [Binder 5, pp.80/4-80/55].

<sup>49</sup> Sejla Turkovic, 18.11.2011, p.5 [Binder 3, p.334]; Sejla Turkovic, 09.04.2014, p.6 [Binder 4, p.343].

from a firearm in Odabasina Street No.1.<sup>50</sup> Police officers sent to the scene identified the victim they found as Ramiz Delalic, who was shot in front of the building at Odobasin Street No.1a.<sup>51</sup> The body was lying at the foot of the outside staircase that lead to the apartment.<sup>52</sup> Delalic was found to have been shot multiple times throughout his body and several 9mm shell casings, 9mm and 0.357 bullet fragments were retrieved by police investigators. Two different weapons were used for this murder, one firing 0.357 Magnum caliber ammunition and another one, which was determined to have been an automatic 9mm Heckler & Koch firearm.<sup>53</sup> An autopsy performed by Dr. Hamza Zujo on 28 June 2007, revealed 10 bullet wounds to Delalic's body. Death was determined violent and a consequence of sudden bleeding.<sup>54</sup> Apart from the bullet casings and fragments, a silencer was found under a parked vehicle parked at Odobasina Street No.6.<sup>55</sup> The silencer found was designed for an automatic Heckler & Koch weapon, model MP5.<sup>56</sup>

23. These results of the crime-scene investigation match the first-hand information witnesses received from Strahinja Raseta and Nebojsa Vukomanovic about Delalic's assassination. According to Strahinja's parents, their son told them that he and Vukomanovic went to where Delalic's girlfriend lived and that Strahinja crouched under some stairs, equipped with a Heckler & Koch calibre 9mm automatic weapon and a 38 Special hand gun.<sup>57</sup> The parents' recollection of what they had been told by their son is confirmed by Milan Mitic's evidence.<sup>58</sup> Vukomanovic signalled to Strahinja by whistling when Delalic arrived at the scene. Since Delalic was a big man, Strahinja emptied the entire 27 rounds of the Heckler & Koch at his victim, and because Delalic still was not dead, Strahinja then shot him several times more with the 38 Special.<sup>59</sup>

24. Witnesses Ivica Stanojevic and Andeljko Veljancic also confirm this record of events – some of them having been told directly by Strahinja Raseta,<sup>60</sup> others having learned about the details of the murder second-hand.<sup>61</sup> Milan Mitic claimed that he went to the crime

<sup>50</sup> OCIU Photo Report on crime scene visits in Sarajevo, 18.02.2014 (stamped), pp.4-8 [Binder 5, pp.259-263].

<sup>51</sup> Bosnian Police Report by Olga Vuksa, 28.06.2007, p.1 [Binder 5, p.1].

<sup>52</sup> OCIU Photo Report on crime scene visits in Sarajevo, 18.02.2014 (stamped), pp.2-8 [Binder 5, pp.257-263].

<sup>53</sup> Bosnian Ballistics Report by Nijaz Smajic, 12.07.2007, pp.6-8 [Binder 5, pp.103-105].

<sup>54</sup> Bosnian Autopsy Report by Dr. Hamza Zujo, 28.06.2007, p.5 [Binder 5, p.85]; see also Bosnian Crime Scene Photo Report [Binder 5, pp.80/55-80/84].

<sup>55</sup> Bosnian Police Report by Edin Buljbasic et al., 28.06.2007, p.4 [Binder 5, p.61]; see also Bosnian Crime Scene Photo Report [Binder 5, pp.80/49-80/52].

<sup>56</sup> Bosnian Ballistics Report by Nijaz Smajic, 12.07.2007, p.4 [Binder 5, p.101].

<sup>57</sup> K5, 29.08.2012, p.3 [Binder 3, p.156]; K4, (undated), pp.6-7 [Binder 3, pp.280-281]; see also OCIU Photo Report on crime scene visits in Sarajevo, 18.02.2014 (stamped), pp.3-8 [Binder 5, pp.258-263].

<sup>58</sup> Milan Mitic, 14.10.2009, pp.2-3 [Binder 3, pp.50-51].

<sup>59</sup> K5, 29.08.2012, p.3 [Binder 3, p.156]; K5, (undated), p.11 [Binder 3, p.177]; Milan Mitic, 14.10.2009, pp.2-3 [Binder 3, pp.50-51].

<sup>60</sup> Ivica Stanojevic, 10.04.2012, pp.21, 34 (Serbian) [Binder 4, pp.236-237, 239].

<sup>61</sup> Andeljko Veljancic, 10.08.2012, pp.4-5 [Binder 4, pp.379-380].



scene sometime after the murder to see whether the story he had been told was true or not. When he saw the stairs Strahinja had described hiding under before committing the murder, Mitic “was quite convinced that he did that”.<sup>62</sup>

25. Sejla Turkovic received an SMS message from Fahrudin Radoncic on the night of the murder, informing her that Ramiz Delalic had been killed. She took this SMS message as a warning to prevent her from saying anything to the police if they contacted her since she knew about the plot to murder Ramiz Delalic.<sup>63</sup>
26. Strahinja and Vukomanovic returned to Serbia and several days later, Milan Ostojic ‘Sandokan’ and his brother Bogoljub came to K5’s house with a bag full of money and paid Strahinja 100,000 Euros. Vukomanovic was paid 20,000 euros and received an Alfa Romeo vehicle.<sup>64</sup> Strahinja’s parents saw them come to their house with the money.<sup>65</sup> Ivica Stanojevic confirms the parents’ account of these events, having been present himself.<sup>66</sup>
27. Back in Sarajevo, several days after the murder of Ramiz Delalic, **Naser Kelmendi** and his organized criminal group arranged a joint dinner during which it was discussed how to divert the murder investigation towards other persons.<sup>67</sup> While remnants of these diversion-attempts can be found in the evidence,<sup>68</sup> they have been denounced as such by different witnesses.<sup>69</sup> Moreover, the Prosecution did not discover any evidence supporting the rumours about another hit man instead of Strahinja Raseta having killed Delalic.<sup>70</sup> At the time, however, **Naser Kelmendi** and the other members of the organized criminal group were very relaxed regarding the ongoing investigation and even felt empowered by having succeeded in murdering Ramiz Delalic.<sup>71</sup>
28. While not pertaining to the murder of Ramiz Delalic, the Prosecution wants to make the Court aware of additional background information, indicating that **Naser Kelmendi** frequently resorted to having opponents or simply individuals causing him problems assassinated. Before successfully organizing the killing of Ramiz Delalic, **Naser Kelmendi** in 2000 tried to persuade witness K2 to help him in the killing of a drug dealer

<sup>62</sup> Milan Mitic, 29.11.2012, p.12 [Binder 3, p.99].

<sup>63</sup> Sejla Turkovic, 09.04.2014, p.7 [Binder 4, p.344]; see also: photograph of SMS message [Binder 4, p.363].

<sup>64</sup> K5, 29.08.2012, p.3 [Binder 3, p.156]; K4, (undated), pp.3, 8 [Binder 3, pp.277, 282].

<sup>65</sup> K4, (undated), p.8 [Binder 3, p.282]; K5, (undated), pp.15-17 [Binder 3, pp.181-183].

<sup>66</sup> Ivica Stanojevic, 10.04.2012, p.21 (Serbian) [Binder 4, pp.236-237].

<sup>67</sup> Sejla Turkovic, 18.11.2011, p.5 [Binder 3, p.334].

<sup>68</sup> Emir Poljak, 17.07.2008, p.7 [Binder 4, p.134], referring g to a killer called [Lirim] Bitici having been hired; see also silencer found close to the murder scene, allegedly carrying traces of Bitici.

<sup>69</sup> Darko Elez, 29.09.2012, p.4 [Binder 3, p.4]; Sejla Turkovic, 18.11.2011, p.4 [Binder 3, p.333].

<sup>70</sup> After DNA analysis of the Silencer (see: Belgrade Biological Faculty Finding, 18.09.2007, [Binder 5, pp.215-219]), nothing pointed to alternate killer Lirim Bitici.

<sup>71</sup> Sejla Turkovic, 23.05.2013, p.5 [Binder 3, p.380].



that “should disappear”, “because he screwed some people, he took 100 kilos of Heroin and he did not respect the agreement, he took it on my word.” When K2 refused, **Naser Kelmendi** was not happy about this reaction and insisted on further meetings during which he would continue to pressure K2 into helping him organize this murder.<sup>72</sup> K2 steadfastly refused despite **Naser Kelmendi** appearing offended and angered by this.<sup>73</sup>

29. When a man called Muzafer Kalic was later killed in Sarajevo for allegedly double crossing people for 100 kilos of Heroin, K2 was able to connect this murder with the offer he had received earlier from **Naser Kelmendi**.<sup>74</sup> According to witnesses, **Naser Kelmendi** was the guarantor for Muzafer Kalic to pay for 100 kilograms of Heroin, which the victim did not do. **Naser** gave his word that he would pay, and he thereby also gave his word of honour that he would kill Kalic in case of non-compliance.<sup>75</sup> K2 told the Prosecution that he had no doubt that this was the victim **Naser Kelmendi** had asked him to get killed earlier because “he told me that this man lives in Sarajevo and shall be killed. He offered to me to organize his liquidation”.<sup>76</sup>

### COUNT THREE

**Naser Kelmendi and His Organized Criminal Group which included K1, K2, K3, Liridon Kelmendi, Haris Mehanovic, Sead Akeljic, Asmir Kalac, Zeljko Bozic, Hakija Krlic, Iljier Kastrati, and others, distribute and sell tons of Heroin, Speed, Ecstasy, Methamphetamine, Cocaine and Marijuana, trading the Drugs between Turkey and Europe.**

30. Witnesses describe Defendant **Naser Kelmendi** as an extremely careful person with strong authority within his criminal organization as well as within other criminal circles. In one word: he is at the top of drug smuggling pyramid and of other criminal activities in the Balkan region and even beyond.<sup>77</sup> **Naser Kelmendi** is not a person who would expose himself and disclose his real role in the criminal organization. Witness Mehanovic therefore learned about **Kelmendi** mainly through Witness K2, whom he served as driver and bodyguard.<sup>78</sup> Nobody was permitted to call **Naser Kelmendi** directly and if someone dared to call **Kelmendi** on his phone number, “off with his head.”<sup>79</sup> There were hardly any conversations over the phone with **Naser Kelmendi** and

<sup>72</sup> K2, 08.02.2013, p.8 [Binder 6, p.125].

<sup>73</sup> K2, 08.02.2013, p.8 [Binder 6, p.125].

<sup>74</sup> K2, 08.02.2013, p.8 [Binder 6, p.125]; K1, 20.02.2013, pp.19-20 [Binder 6, pp.19-20].

<sup>75</sup> K1, 20.02.2013, pp.19-20 [Binder 6, pp.19-20].

<sup>76</sup> K2, 16.01.2014, p.8 [Binder 6, p.372].

<sup>77</sup> Haris Mehanovic, 15.01.2014, p.4 [Binder 7, p.332].

<sup>78</sup> Haris Mehanovic, 15.01.2014, p.4 [Binder 7, p.332].

<sup>79</sup> K1, 20.02.2013, p.15 [Binder 6, p.15].

one would never meet **Kelmendi** inside the city, but always at destinations outside the center.<sup>80</sup> **Naser Kelmendi**'s precautionary measures forced his subordinates to **"to take out the battery from my mobile phone whenever I was talking with Naser Kelmendi [in person]. It was his rule"**.<sup>81</sup> However, within his closest circle, **Kelmendi** did rely extensively on phone communication - **when arrested, he was in possession of ten (10) cellular phones**.<sup>82</sup>

31. Verifying the basis of the witnesses' evidence regarding **Naser Kelmendi**, Haris Mehanovic met Witness K2 around 1999 and helped him supply the Kosovo Liberation Army with handguns for about one year.<sup>83</sup> At the time, **"we were aware that Naser Kelmendi was a person with enormous amount of money...We knew that we can get pure Heroin from Naser Kelmendi."**<sup>84</sup> Mehanovic was present when K2 contacted **Naser Kelmendi** via phone in about 2001 in Kosovo.<sup>85</sup> This concerned clarifying a job for **Naser Kelmendi** as to what **Naser Kelmendi** wanted him to do.<sup>86</sup> Mehanovic knew that K2 had met several times with **Naser Kelmendi** in Sarajevo where Mehanovic saw K2 meet and shake hands with **Kelmendi**, which meeting according to K2 took place at **Naser Kelmendi's** request.<sup>87</sup> Mehanovic knew that K2 met **Naser Kelmendi** several times in Sarajevo at the 'Brajlovic' Restaurant in Ilidza, as well as at other places.<sup>88</sup>
32. Witness K3 was a high level Belgrade drug dealer who was in contact with many organized crime groups throughout the region in selling Heroin, Speed, Cocaine, Marijuana and other drugs. According to K3's recollection, **Naser Kelmendi's** rise began after the Belgrade-based crime syndicate called the Zemun-clan was dismantled following the killing of Prime Minister Zoran Djindjic in 2003. **Naser Kelmendi's** career was further propelled by the independence of Montenegro from Serbia, which gave **Kelmendi** a sudden monopoly over the drug and also the cigarette smuggling market there.<sup>89</sup>
33. While K3 only had limited contact with **Naser Kelmendi** himself,<sup>90</sup> he had a regular exchange with his son **Liridon Kelmendi** who supplied him with different types of drugs for an extended period of time. The fact, however, that **Naser Kelmendi** was in contact

<sup>80</sup> K1, 20.02.2013, p.15 [Binder 6, p.15].

<sup>81</sup> K2, 16.01.2014, p.8 [Binder 6, p.372].

<sup>82</sup> KP Arrest Report, 05.05.2013, p.2 [Binder 9, p.2]; KP Report, 13.05.2013, with list of items seized [Binder 9, pp.11-15]; OCIU Report on IT Forensics, 23.01.2014, pp.1-2 [Binder 10, pp.140-141].

<sup>83</sup> Haris Mehanovic, 14.11.2013, p.2 [Binder 7, p.271].

<sup>84</sup> Haris Mehanovic, 15.01.2014, p.3 [Binder 7, p.331].

<sup>85</sup> Haris Mehanovic, 14.11.2013, p.5 [Binder 7, p.274].

<sup>86</sup> Haris Mehanovic, 14.11.2013, p.5 [Binder 7, p.274].

<sup>87</sup> Haris Mehanovic, 15.01.2014, pp.3-4 [Binder 7, pp.331-332].

<sup>88</sup> Haris Mehanovic, 15.01.2014, p.4 [Binder 7, p.332].

<sup>89</sup> K3, 10.02.2014, p.3 [Binder 6, p.423].

<sup>90</sup> K3, 10.02.2014, p.7 [Binder 6, p.427].



with K3's father-in-law, a powerful Serbian business man and politician called Nebojsa Petkovic, showed to K3 that **Naser Kelmendi** was a big player in the drug business. Before meeting **Naser Kelmendi** for the first time in 2009, Petkovic advised K3 "I do business with **Naser** for a very long time so be very careful how you behave in this situation, be smart." Petkovic added that "it would be good for me to have them [**Naser Kelmendi's OCG**] stand behind me in the business I already do."<sup>91</sup>

34. As a result of that meeting, the next day **Liridon Kelmendi** began selling to K3 between 1-4 kilograms of Heroin and Ecstasy per month, which business relationship lasted from spring 2009 until October 2012, when K3 left Serbia.<sup>92</sup> K3 also received regular monthly shipments of Cocaine, Speed and Marijuana from **Naser Kelmendi's** organization.<sup>93</sup> K3 would sell narcotics he bought from **Naser Kelmendi's OCG** to people who attended night clubs owned by his father-in-law and rave concerts. K3 also briefly met **Naser Kelmendi** in spring or early summer of 2012 in the restaurant/discotheque Lozovicka Cesma where K3 spoke with **Liridon Kelmendi** about how their drug business was going.<sup>94</sup>

#### **Naser Kelmendi and His Organized Criminal Group Transported and Sold Tons of Heroin Between Turkey and Europe**

35. Witness K1 knew **Naser Kelmendi** since he was 16 or 17 years old. He began "working drugs" for **Naser Kelemendi** as part of his OCG in 1996, after the war in Bosnia.<sup>95</sup> **Naser Kelmendi's** drug trafficking organization would receive its Heroin shipments from Turkey, where the drugs had initially come to from Afghanistan.<sup>96</sup> It would then be transported to Kosovo, Bosnia and Herzegovina, Montenegro, Austria, Switzerland and other European counties.<sup>97</sup> The Heroin destined for the UK had to be of special quality because the market price there was twice as high.<sup>98</sup> During his work for **Naser Kelmendi**, K1 managed the transport of huge amounts of drugs, especially white Heroin and Ecstasy, between Turkey and Western Europe.<sup>99</sup> K1 was paid 150,000 German marks a year for his services by **Naser Kelmendi**.<sup>100</sup>

<sup>91</sup> K3, 30.07.2013, p.9 [Binder 6, p.401].

<sup>92</sup> K3, 30.07.2013, p.11 [Binder 6, p.404].

<sup>93</sup> K3, 30.07.2013, p.11 [Binder 6, p.404].

<sup>94</sup> K3, 30.07.2013, pp.11-12 [Binder 6, pp.404-405].

<sup>95</sup> K1, 20.02.2013, p.17 [Binder 6, p.17]; K1, 20.05.2014, p.3 [Binder 6, p.105/23].

<sup>96</sup> K1, 20.05.2014, p.7 [Binder 6, p.105/27].

<sup>97</sup> K1, 20.02.2013, p.3 [Binder 6, p.3]; K1, 20.05.2014, p.5 [Binder 6, p.105/25].

<sup>98</sup> K1, 20.02.2013, p.3 [Binder 6, p.3]; K1, 20.05.2014, p.5 [Binder 6, p.105/25].

<sup>99</sup> K1, 20.02.2013, p.17 [Binder 6, p.17]; K1, 20.05.2014, pp. 5-6 [Binder 6, p.105/25-26].

<sup>100</sup> K1, 20.05.2014, p.6 [Binder 6, p.105/26].



36. One method used by **Naser Kelmendi** and his OCG for the concealing of large amounts of Heroin and other drugs out of Turkey was through the manufacturing of hollowed-out plywood tables and doors and by stuffing the drugs inside. K1 personally knew of tables **Naser Kelmendi** had manufactured in Turkey and which could hold up to 150 kilos of drugs each.<sup>101</sup> Large amounts of drugs were also transported by hiding them in trucks filled with lemons, other fruits and vegetables from Turkey.<sup>102</sup> There would not only be one transport, but **Naser Kelmendi** would have 10 transports at times.<sup>103</sup> K2, another member of **Naser Kelmendi's** OCG, would pack the Heroin he received in Turkey, with textiles and would then transport the Heroin as a textile shipment.<sup>104</sup>
37. **Naser Kelmendi's** Organized Criminal Group mainly dealt with the trafficking of Heroin, but also sold and transported Ecstasy and Cocaine.<sup>105</sup> **One could only purchase Heroin of high quality, white powder in Kosovo from Naser Kelmendi.**<sup>106</sup> K1 informed that he was transporting huge amounts of white Heroin and drug precursors, such as 'water' (anhydride acid) for **Naser Kelmendi**.<sup>107</sup> Everyone who worked in the drug business for **Naser Kelmendi** respectfully called him 'Stari' (the Old One).<sup>108</sup>
38. The basis for the white Heroin came originally from Afghanistan. It was the "top quality" Heroin, "the strongest and best one". According to K1, no better Heroin existed.<sup>109</sup> **Kelmendi** was receiving the drugs directly from the producers in Afghanistan, without any middlemen.<sup>110</sup> The usual Heroin from Turkey could be mixed in a ratio of 1:1, but white Heroin could even be mixed at a 3:1 ratio and it would still be of top quality.<sup>111</sup> As witnesses explained, white Heroin was much stronger than the usual one. Users told K3 that the regular Heroin would give users a kick, while the white Heroin would knock them out.<sup>112</sup> Giving an estimate of the amount of drugs sold through K3 alone, one of his close business associates was supplying about 250 end-users in one Belgrade neighbourhood who were calling him every day.<sup>113</sup> Smuggling the Heroin across borders was easy according to K3 who would transport up to 100 kilograms when crossing the border through the mountainous area of the border regions.<sup>114</sup>

<sup>101</sup> K1, 20.02.2013, p.4 [Binder 6, p.4].

<sup>102</sup> K1, 20.02.2013, p.4 [Binder 6, p.4].

<sup>103</sup> K1, 20.02.2013, p.4 [Binder 6, p.4]; compare K1, 20.05.2014, p.7 [Binder 6, p.105/27].

<sup>104</sup> K1, 20.05.2014, p.7 [Binder 6, p.105/27].

<sup>105</sup> K1, 20.02.2013, p.18 [Binder 6, p.18].

<sup>106</sup> Haris Mehanovic, 15.01.2014, p.4 [Binder 7, p.332].

<sup>107</sup> K1, 20.02.2013, p.14 [Binder 6, p.14].

<sup>108</sup> K1, 20.02.2013, p.3 [Binder 6, p.3].

<sup>109</sup> K1, 20.02.2013, p.6 [Binder 6, p.6].

<sup>110</sup> K3, 10.02.2014, p.4 [Binder 6, p.424].

<sup>111</sup> K1, 20.02.2013, p.6 [Binder 6, p.6].

<sup>112</sup> K3, 10.02.2014, p.5 [Binder 6, p.425].

<sup>113</sup> K3, 10.02.2014, p.5 [Binder 6, p.425].

<sup>114</sup> K3, 10.02.2014, p.5 [Binder 6, p.425].

### **Naser Kelmendi and His Organized Criminal Group Transported Huge Amounts of Ecstasy and Heroin in Specially Designed Compartments within the Gas Tanks of Motor Vehicles**

39. Regarding the drug of Ecstasy, **Naser Kelmendi** and his OCG received huge amounts from Holland, in the form of pills.<sup>115</sup> **Naser Kelmendi's** OCG would get Ecstasy in shipments of 200,000 pills transported in plastic bottles. A one-litre plastic bottle would hold 3000-4000 tablets. **Naser Kelmendi's** OCG would then place these bottles into specially designed, hidden compartments inside the gas tanks of vehicles.<sup>116</sup> Witness Mehanovic would pick up large amounts of Ecstasy in Holland, transport it to Sarajevo and then onwards to Turkey, where he would exchange the Ecstasy for Heroin.<sup>117</sup>
40. One of the main transporters of Ecstasy from Holland to Sarajevo for **Naser Kelmendi** and his OCG was Remzo Mandzukic, who had a refrigerator car with a specially designed bunker made in Turkey that was located under the car's floor. This hidden compartment could hold 100-150 kilos of Heroin, Ecstasy or other drugs without problems. Mandzukic would smuggle drugs this way to England, Spain, Switzerland, Austria, and elsewhere, transporting used furniture on return.<sup>118</sup> **Naser Kelmendi** and his OCG had up to five drivers per day transporting drugs throughout Europe, including Switzerland, Spain, England and Austria.<sup>119</sup>
41. **Naser Kelmendi** and his OCG use a special type of white insulation tape used by the plumbers called Teflon, to wrap around each of the plastic bottle containing the Ecstasy tablets. Witness Mehanovic explained further, that "the bottles wrapped in Teflon still are on top ... [in the gas tank] ... They have enough air to stay afloat, they cannot sink." In this way, the bottles' contents would avoid taking on any smell or getting wet.<sup>120</sup> Heroin had to be thickly covered in tape so that it would not smell upon arrival.<sup>121</sup> Mehanovic saw this procedure being used many times,<sup>122</sup> and according to witness K1, **Naser Kelmendi** used six or seven vehicles transporting drugs in their gas tanks.<sup>123</sup>
42. K2 hired auto mechanic Zeljko Bozic to build a hidden compartment for storing drugs into his Mercedes vehicle that would be undetectable from the outside, which

<sup>115</sup> K1, 20.02.2013, p.8 [Binder 6, p.8].

<sup>116</sup> K1, 20.02.2013, p.8 [Binder 6, p.8].

<sup>117</sup> Haris Mehanovic, 14.11.2013, pp.10-11 [Binder 7, pp.279-280].

<sup>118</sup> K1, 20.02.2013, p.18 [Binder 6, p.18].

<sup>119</sup> K1, 20.02.2013, p.18 [Binder 6, p.18].

<sup>120</sup> Haris Mehanovic, 14.11.2013, p.9 [Binder 7, p.278].

<sup>121</sup> Haris Mehanovic, 14.11.2013, p.9 [Binder 7, p.278].

<sup>122</sup> Haris Mehanovic, 14.11.2013, p.8 [Binder 7, p.277].

<sup>123</sup> K1, 20.02.2013, p.9 [Binder 6, p.9].



necessitated removing the reservoir in order to access this hidden compartment.<sup>124</sup> Bozic showed Bosnian law enforcement officers and forensic experts how he used **25 kilograms** of table salt to determine the necessary space for the hidden compartment he had to build into K2's tank.<sup>125</sup>

43. **Naser Kelmendi** and his OCG would do the larger transports of Ecstasy in the gas tanks of lorries, but the smaller quantities of 100-200,000 did fit into the gas tanks of small vehicles.<sup>126</sup> **Naser Kelmendi**, K1, K2 and other members of the OCG were present when Ecstasy shipments would be received and/or posted.<sup>127</sup>
44. Witness Margareta Hadzic, who knew **Naser Kelmendi**, K2, Haris Mehanovic and his girlfriend Larisa, independently confirmed that she knew that Sead Akeljic first transported weapons and then Ecstasy for K2 through **Naser Kelmendi's** OCG. According to Hadzic, they were transporting Ecstasy to Turkey in cars with special hidden places and in gas tanks.<sup>128</sup>

#### **Naser Kelmendi and his ORC Made Small Monetary Wire Transfers Through Western Union to Turkey to Order Large Shipments of Drugs**

45. **Naser Kelmendi** taught K1 and other members of his OCG special codes to securely communicate information concerning the trading of Heroin, Ecstasy and other drugs. A thousand marks, when marks were in circulation, were known as a 'piece'. A piece could also be a kilogram worth of drugs or 1000 Euros. "Stari [**Kelmendi**] taught us the codes, the codes always changed."<sup>129</sup>
46. According to K1, small amount wire transfers were used to confirm the successful shipment of certain quantities of drugs from Turkey.<sup>130</sup> The following are specific documented small Euro amounts of Western Union wire transfers by **Naser Kelmendi's son, Besnik Kelmendi from Peja/Kosovo** to a person called Mehmet Durak in Turkey in 2013:

<sup>124</sup> Zeljko Bozic, 14.11.2013, pp.3-5 [Binder 7, pp.101-103]; Bosnian Police Report, (undated), on search of the premises of Ermin Mujkic, pictures 10-13, which K2 confirmed to show his Mercedes car's gas tank with hidden the compartment [Binder 8, pp.179-180]; see also Bosnian Expert Analysis of fuel tank, 20.07.2004, with findings and photo documentation [Binder 8, pp.192-201]; see also Sead Akeljic, 27.05.2004, p.6 [Binder 7, p.6].

<sup>125</sup> Bosnian Police Report, 10.11.2005, p.1 [Binder 8, p.204].

<sup>126</sup> K1, 20.02.2013, p.8 [Binder 6, p.8].

<sup>127</sup> K1, 20.02.2013, p.9 [Binder 6, p.9].

<sup>128</sup> Margareta Hadzic, 13.07.2004, pp.2-4, 11 [Binder 7, pp.128-129, 137]; see also Sead Akeljic, 27.05.2004, pp.3-8 [Binder 7, pp.3-8].

<sup>129</sup> K1, 20.02.2013, p.12 [Binder 6, p.12].

<sup>130</sup> Compare explanation by an associate of Naser Kelmendi for the urgency in which he would respond to small-amount transfers, Fadil Schollbauer 05.03.2014, p.5 [Binder 4, p.209].

From:	Location:	To:	Location:	Amount:	Date:
<b>Besnik Kelmendi</b>	Peja, Kosovo	Mehment Durak	Turkey	50.00	25/06/13
<b>Besnik Kelmendi</b>	Peja, Kosovo	Mehment Durak	Turkey	50.00	25/06/13
<b>Besnik Kelmendi</b>	Peja, Kosovo	Mehment Durak	Turkey	37.00	27/06/13
<b>Besnik Kelmendi</b>	Peja, Kosovo	Mehment Durak	Turkey	37.00	09/07/13
<b>Besnik Kelmendi</b>	Peja, Kosovo	Mehment Durak	Turkey	37.00	18/07/13
<b>Besnik Kelmendi</b>	Peja, Kosovo	Mehment Durak	Turkey	37.00	16/08/13
<b>Besnik Kelmendi</b>	Peja, Kosovo	Mehment Durak	Turkey	37.00	20/08/13

(See: OCIU report dated 18 March 2014 - Binder 11, pp.342-345)

#### **Analysis of Naser Kelmendi's Mobile Phones and other Equipment further Reveals the Extent of His Involvement in Criminal Activity**

47. The examination of the **10 mobile phones, 9 SIM cards**, and one laptop in the possession of **Naser Kelmendi** at the time of his arrest by the Eulex IT Forensics Unit (ITF),<sup>131</sup> revealed the following (in spite of the documented care **Naser Kelmendi** showed in his use of electronic communication):

1) SMS Message 1 - number 38649865428, dated 10 April 2013, sent from a contact to **Naser Kelmendi's** phone informing him where he is.

**"I just finished at the border, now I start to Sarajevo."**

2) SMS Message 5 - number 38649865428, dated 16 April 2013, sent from recipient to **Naser Kelmendi's** phone, informing that the person will **finish that job of 105,000**. The large amount mentioned could indicate large money transfers, consistent with witness testimony related to money being transferred during criminal enterprises conducted by **Naser Kelmendi** and his OCG.

**"I am in Prizren today I have heard, today I'll finish that job of 105 thousand."**

<sup>131</sup> OCIU Text Message Analysis, 23.01.2014 [Binder 10, pp.140-196].



3) SMS Message 7-10 - number 38649865428, dated 25 April 2013. These messages speak about the sender telling the recipient about a criminal court proceeding, and how the sender is influencing the female judge's decision on a Defendant's sentence. Reference is made to Article 146, which under the KCC 2003 was the charge of **Murder**. The messages seems to indicate that the person sending the message exerted some influence on the judge through her brother to reduce a Defendant's sentence from 10-30 years to 5-15 years, but the agreement involves only 1-3 months, the Defendant being released and filing an appeal.

Message 7-**"I just spoke with lawyers and judge (female) she accepted to deal with according to article 146, up to 5 years, on 10<sup>th</sup> May she appointed trial, and on this date everything will be finished, just to let you know."**

Message 8-**"We have direct connection with her brother, they will have joint lunch regarding this issue."**

Message 9-**"No it is from 5 to 15, it was from 10 to 30 but with an agreement it will be from 1 to 3 months he would be released an will defend at liberty, then it will go court of appeal."**

Message 10-**"The point was to be sentenced up to 5 and then to have legal right to be released and defend at liberty, now this could be done easily with appeals, we had a great help from a friend GRBES who has restaurant I Radavc**

4) Messages 6, 11, 12, 13 – dated 25 April 2013 - In these messages, the sender is telling the recipient that they will take a third person's apartment if money is not paid to the sender/receiver. The sender states that he will change the locks of the apartment if money is not paid. This activity is consistent with testimony according to which **Naser Kelmendi** forced a witness to forfeit his apartment as a security for a large narcotics deal.<sup>132</sup>

Message 6-**"I know, but I had given him time limit until 1<sup>st</sup>, he can transfer ownership of apartment to my name or someone else"**

Message 11-**"We visited this man, his mother and brother were there, he told them to finish until Monday, otherwise he will change door locks, if uncle Mehmet don't get it done within two days, he will have it done on Monday"**

Message 12-**"If he gets payment at the bank today he will get it done if not then on Monday"**

---

<sup>132</sup> Compare factual allegations in Counts 6-7 of the Indictment for a similar method used by **Naser Kelmendi** to secure K2's transport of a large shipment of Ecstasy.

Message 13-**"They said they will have it done, if not, he will take away apartment if he doesn't answer until Monday"**

5) Messages 25 and 27- The sender informs the receiver that he received an ML (Mercedes SUV), and an A6 (Audi Sedan) **but without documents**. Testimony from several witnesses in this indictment illustrates how **Naser Kelmendi** uses vehicles with altered fuel tanks for smuggling narcotics throughout Europe.<sup>133</sup>

Message 25-**"Yesterday I received ML and A6, but no documents. I am working on it, we will hear!"**

Message 27-**"Please write down the lowest price in cash for the first and for the second car!"**

6) SMS Messages 1,2,3- 70 38762244400 – dated 10 April 2013 - The sender is updating the receiver on his travel status through Dubrakovo/Montenegro into Bosnia and Herzegovina, which is consistent with witness testimony related to narcotics trafficking routes.<sup>134</sup>

Message 1-**"I passed the Dubrakovo border"**

Message 2- **"Brodarevo"**

Message 3-**"I passed the Bosnian border without any problems."**

7) SMS Messages 22, 23, 24 - 38765400245 – dated 29 April 2013 - Updates on sender's travel from Bosnia into Montenegro which are consistent with drug smuggling activity and witness testimony.

Message 22-**"In Priboj. Everyone is fine."**

Message 23-**"In Bijelo Polje"**

Message 24-**"In a bit in Rozhaje."**

---

<sup>133</sup> See above.

<sup>134</sup> See above.



8) Messages 7, 8, 10, 13, 14 – 38269832950 - Sender is anxious to make contact with receiver Muja who owes the sender money; sender becomes agitated with Muja for not paying the money owed and for not answering phone calls sender is making.

Message 7-**“Are you stupid or what, do I have to beg you for my money I don’t understand you”**

Message 8-**“Muj what happen”**

Message 10-**“Mister today is Wednesday.”**

Message 13-**“Are you stupid or what, shall I beg you”**

Message 14-**“You don’t even want to answer, very good”**

9) Message 6 – 38640257190 - sender advises receiver they cheated/deceived the “Greek.”

**“We cheated/deceived the Greek, ha ha, how much and you should wait about because I’m not well”**

10) Messages 32, 39 – 4917699500917 -Naser Kelmendi identifies himself as the sender

Message 32-**“Adela, answer (or call me), Naser”**

Message 39-**“Inta, answer (or call me), Naser”**

#### **Naser Kelmendi and His Sons Possess Millions of Dollars in Assests in Kosovo, Bosnia and Montenegro**

48. According the the accounts of different witnesses, **Naser Kelmendi** was making **“billions, millions,”** from his drug trafficking organization.<sup>135</sup> **“Look, it is so simple because they [Naser Kelmendi’s OCG] have no contact with it and they can live in luxury and get huge amounts of money. Think three shipments like this one, one or two per month, it amounts to millions.”**<sup>136</sup>

49. Witness K1 informed further that **Naser Kelmendi** had so much money that he was able to give his son **Elvis** 5 million euros to start his own business. He also gave him

---

<sup>135</sup> K1, 20.02.2013, p.19 [Binder 6, p.19].

<sup>136</sup> Haris Mehanovic, 14.11.2013, p.7 [Binder 7, p.276].

apartments in Ilidza/Sarajevo.<sup>137</sup> **Elvis Kelmendi** is currently serving a 4-year prison sentence in Kosovo for attempted murder committed in Sarajevo.

50. A search of the **Kelmendi** family's compound in **Peja, Kosovo** in December 2013, by members of Eulex OCIU<sup>138</sup> pursuant to a search warrant signed by EULEX pre-trial judge Piotr Bojarczuk,<sup>139</sup> which included **Naser Kelmendi's** large 3 story villa located at 24 Hyse Selimi Street, revealed papers documenting transactions involving hundreds of thousands of US dollars and euros:

1) Pre-invoice from Rastoder Co. to Dona Shell (owned by **Naser Kelmendi**) for 100,000 KG of Rio Minas coffee beans for **96,000 US dollars** to be paid in 7 days from 2002/02/06;

2) Property Tax Receipts in **Peja**:

- a) 01/04/2003 for **Besnik Kelmendi** (**Naser Kelmendi's son**) involving Auto Car Sales worth **185,220 euros**;
- b) 01/04/2003 for **Besnik Kelmendi**, value **654,444.01 euros**;
- c) 01/04/2003 for **Besnik Kelmendi** value **958,440.02 euros**;
- d) 01/04/2003 for **Naser Kelmendi** worth **203,484 euros** (**Naser Kelmendi's villa** at **Kelmendi compound**);
- e) 01/04/2003 worth **93,600 euros** for **Liridon Kelmendi** (**Liridon's house** at **Kelmendi compound**).

3) Property Tax Receipts paid thru the American Bank of Kosovo #1278 include:

- a) 01/04/2003 for **Besnik Kelmendi** worth **63,000 euros**,
- b) 01/14/2003 for **Besnik Kelmendi** worth **300,000 euros**,
- c) 01/14/2003 for **Besnik Kelmendi** worth **326,000 euros**,
- d) 01/04/2003 for **Naser Kelmendi** worth **12,936 euros**,
- e) 01/04/2003 for **Naser Kelmendi** worth **10,680 euros**,
- f) 01/04/2003 for **Naser Kelmendi** worth **105,000 euros**,

<sup>137</sup> K1, 20.02.2013, p.19 [Binder 6, p.19].

<sup>138</sup> OCIU Search Report, 19.12.2013 [Binder 9, pp.90-99]; comprehensive OCIU/KP Search Documentation [Binder 9, pp.134-240].

<sup>139</sup> Pristina Basic Court Search Order, 16.12.2013 [Binder 9, pp.58-61].



- g) 01/04/2003 for **Liridon Kelmendi** worth **69,000 euros**,
- h) 01/04/2003 for **Elvis Kelmendi** worth **69,000 euros**,
- i) 01/04/2003 for **Naser Kelmendi** worth **26,784**.

4) **Bank Accounts:**

Account Holder: **Liridon Kelmendi**-KSB Bank, 01/01/04 to 30/05/04 Total Debits **197,623 euros**, Total Credits 01/01/04 to 30/06/04 **197,623 euros**;

Account Holder **Besnik Kelmendi**-Raiffeisen Bank, 05/05/11 to 11/05/11 Total Debits **243,000 euros**, Total Credits **424,000 euros**;

Account Holder **Besnik Kelmendi**-NLB Bank, 08/15/15/05 to 11/30/07 Total Debits **243,000 euros**, Total Credits **334,500 euros**.

(See: OCIU Report, dated 18.03.2014 – Binder 11, pp.342-345, showing individual deposits and withdraws done repeatedly on the same day)

51. **Naser Kelmendi**, in his recorded interview on 24 September 2013, which he reviewed and signed in the presence of counsel, described his financial state as “**average**.”<sup>140</sup>

52. However, the **total value of assets in Peja/Kosovo documented through the Property Tax Receipts** just for the year 2003 amounts to **3,173,588 EUR**.<sup>141</sup>

53. In addition, the Prosecution was able to identify the following assets also belonging to **Naser Kelmendi** and his OCG:

5) Hand written agreement for a Harmohan Kakimazada to pay money owed to **Naser Kelmendi** in the amount of **600,000 EUR** on 18 February 2003 signed by Harmohan Kakimzada, **Naser Kelmendi** and witnessed by **Besnik Kelmendi**.<sup>142</sup>

6) Assets of **Naser Kelmendi** in **Montenegro** that were found on an open source web cite,<sup>143</sup> include a **total of 20,922 m2 in the name of Naser Kelmendi**:

- a) **15,401 m2** as land, except for 48 m2 which is listed as “Family building;

<sup>140</sup> Naser Kelmendi, 24.09.2013, p.2 [Binder 7, p.176].

<sup>141</sup> OCIU Evidence List Report, 03.02.2014, pp.4-6, pp.12-14 [Binder 9, pp.112-114, 120-122].

<sup>142</sup> OCIU Evidence List Report, 03.02.2014, p.14 [Binder 9, p.122].

<sup>143</sup> See: <https://reportingproject.net/PeopleOfInterest/profil.php?profil=18> ; see also K1, 20.05.2014, pp.8-9 [Binder 6, pp.105/28-29].

- b) **2,228 m2** recorded as residential premises and non-residential premises in separate buildings;
- c) **73 m2** apartment in Ulcinj, Montenegro;
- d) **11 housing units, 355 m2** in total in Ulcinj, Montenegro;
- e) **56 m2** apartment in Podgorica, Montenegro

7) The Land Registry Office in **Sarajevo** more specifically lists the following:

- a) **1053 m2** hotel and restaurant **Casa Grande**<sup>144</sup> and
- b) **775 m2 land** in **Iliza, Sarajevo**, value **980,000 KM**. The purchase contract, dated 23 April 2003, indicates a purchase price of **980,000 KM** and shows **Naser Kelmendi as the purchaser**, as well as authorization by the mayor for the land to have a hotel operated on it dated 26 May 2003.

Additionally, **Naser Kelmendi** owns the following:

- c) **53 m2** two bedroom apartment;
- d) **78 m2** three bedroom apartment;
- e) **104 m2** house and 723 m2 land;
- f) **94 m2** house and 836 m2 land (purchase contract shows **Naser Kelmendi** as purchaser for **120,000 KM** on 27 November 2003;
- g) **447 m2** house and 1227 m2 land acquired by exchange of property with Avaz (publishing company owned by **Fahrudin Radoncic**). Contract specifies Avaz became owner of **Naser Kelmendi's** business and sales premises in residential and business building in Zenica worth **300,000 KM**. Fahrudin Radoncic also paid **Naser Kelmendi 200,000 KM**.
- h) **2000 m2 ice-cream factory** and **1000 m2** land in Hadzici, Sarajevo. Built in 2008 and put on sale a year later.

8) OCIU's detailed Financial Investigative Report further indicates:

- a) **Naser Kelmendi Donna Shell** (company owned by **Naser Kelmendi**) ProCredit Bank Account 1130046165000144 annual turnover in 2001 of **866,550.73 euros** in 2001; **1,306,267.45 euros** in 2002;

---

<sup>144</sup> See: OCIU Photo Report on crime scene visits in Sarajevo, 18.02.2014 (stamped), p.13 [Binder 5, p.268].



b) **Besnik Kelmendi** (son of **Naser Kelmendi**) KSB/NLB bank account 1702100002620032 annual turnover of **149,4000 euros** in 2004, **247,000 euros** in 2005, **280,600 euros** 2006, **249,000 euros** in 2007;

c) **Besnik Kelmendi** Raiffeisen Bank Account 1506001003427046 annual turnover of **835,385.61 euros** in 2011;

d) **Liridon Kelmendi** (son of **Naser Kelmendi**) KSB account 271100 annual turnover of **395,246.49 euros** in 2004.

54. The OCIU financial analysis also demonstrates the complex web of large scale monetary transfers between **Naser Kelmendi's** company **Donna Shell**, and his sons **Liridon Kelmendi**, **Besnik Kelmendi** and **Elvis Kelmendi** concerning numerous vehicles, land and international transfers at Auto Point in Germany, Auto Center, Hilden Germany, and Globo Financial Inc in Austria.

55. **The documented grand total** of turnover between 2001 and 2013 regarding these and several other minor accounts is **4,412,406.62 euros**.

#### **Naser Kelmendi and his OCG Have Bribed or Threatened Former Members of His OCG, Innocent Family Members, and Witnesses If They Cooperate With Law Enforcement Authorities**

56. K1 and his family were threatened many times by **Naser Kelmendi** and members of his OCG.<sup>145</sup> They were ultimately prompted to leave their home due to these threats. K1 went to prison for transporting Ecstasy for **Naser Kelmendi**, rather than to cooperate with authorities concerning an investigation into **Naser Kelmendi's** Organized Crime in Bosnia, all as a result of these threats.<sup>146</sup> K1 expressed his fear by saying "... I feel I will not be alive tomorrow."<sup>147</sup> In a recent incident, while being transported in Bosnia to testify in a court trial, what sounded like gun shots were heard in the immediate area.

57. Family members of another important witness in this case have recently been repeatedly threatened, followed and harassed, prompting the Prosecution to file for an exceptional two-month extension of **Naser Kelmendi's** custody on remand and offering EULEX protection to the family.

<sup>145</sup> K1, 20.02.2013, p.12 [Binder 6, p.12].

<sup>146</sup> K1, 20.02.2013, pp.8, 12 [Binder 6, pp.8, 12].

<sup>147</sup> K1, 20.02.2013, p.12 [Binder 6, p.12].

58. Witness Sejla Turkovic indicated that Fahrudin Radoncic had his wife approach her and offering her money in exchange for not cooperating with authorities after the murder of Ramiz Delalic. According to Witness Tirkovic, she was told: "He will financially help you and he will help your husband, you just need to talk with him, you don't need to testify..."<sup>148</sup>. "She said to me don't do that, you should agree, you two are long years friends, you spent 10 years together and shall not step on each other's feet. I told her to tell him what I said and that I am not afraid of him."<sup>149</sup>
59. All the above shows **Naser Kelmendi's** involvement and more specifically, him being in charge of organized drug trafficking on an industrial scale. Apart from the evidence listed under Count Three, the further Counts below list specific instances of drug trafficking that **Naser Kelmendi** and his OCG were involved in.

## COUNT FOUR

### **Naser Kelmendi Uses His OCG and K2 to Transport 50 Kilograms of Heroin from Istanbul/Turkey to Sarajevo/Bosnia and Herzegovina**

60. K2 first met **Naser Kelmendi** in 1993; they were neighbours in Peja/Kosovo. He knew that **Naser Kelmendi** was Albanian but saw him nevertheless being able to visibly carry a gun in front of a police station in Peja. K2 therefore suspected that **Kelmendi** was working for the, at the time, Serb-dominated authorities.<sup>150</sup>
61. **Naser Kelmendi** left Kosovo in 1998 and went to Bosnia and Herzegovina. While being based in Sarajevo, **Naser Kelmendi** met K2 in the Montenegrin border town Rozaj, close to Peja, at a pizzeria named 'Stil', while K2 was seeing a friend there.<sup>151</sup> **Kelmendi** knew that K2 was a gun smuggler for the Kosovo Liberation Army at the time and at this meeting, **Naser Kelmendi** offered him a job to drive Heroin to England. K2 declined.<sup>152</sup>
62. In 2000, this time in Kosovo, **Naser Kelmendi** told K2 "I need you in Turkey."<sup>153</sup> K2 travelled to Turkey together with a friend called Robert Leshdedaj and met **Naser Kelmendi** in an Istanbul hotel called 'Zagreb'. As previously stated in this indictment,<sup>154</sup> **Kelmendi** asked K2 on this occasion to organize for him the murder of a person who had

<sup>148</sup> Sejla Turkovic, 09.04.2014, p.10 [Binder 4, p.347].

<sup>149</sup> Sejla Turkovic, 23.05.2013, p.13 [Binder 3, p.388].

<sup>150</sup> K2, 08.02.2013, p.5 [Binder 6, p.122].

<sup>151</sup> K2, 08.02.2013, p.6 [Binder 6, p.123].

<sup>152</sup> K2, 08.02.2013, p.6 [Binder 6, p.123].

<sup>153</sup> K2, 08.02.2013, p.7 [Binder 6, p.124].

<sup>154</sup> See above.



not paid for 100 kilos of Heroin that **Naser Kelmendi** had guaranteed for.<sup>155</sup> **Naser Kelmendi** told K2, “The man who screwed me lives in Sarajevo, for 100 kilos, I put my reputation on stake here.”<sup>156</sup> While K2 refused to assist in this murder, he later heard that a person called Muzafer Kalic got killed in Bosnia, whom K2 learned was the person who had failed to pay for 100 kilos of Heroin.<sup>157</sup>

63. Back in Bosnia and Herzegovina, K2 agreed in 2003 to transport **50 kilos** of alleged Cocaine from Turkey to Bosnia for a friend called Iljier Kastrati.<sup>158</sup> K2 travelled to Istanbul, hid the drugs in clothing he bought for this purpose and then organised their transport from Turkey to the town of Tuzla in Bosnia and Herzegovina.<sup>159</sup> Having returned to Bosnia separately from the drug shipment, K2 waited for further instructions from his friend Iljier Kastrati who called him after 4-5 days.<sup>160</sup> Kastrati asked K2 to give the Cocaine to a person that would get in touch with him and that was called ‘Ako’. In the presence of another friend called Pero Covic, K2 gave the drugs to Ako as advised.<sup>161</sup>
64. K2 was then asked by Ako, whose real name K2 learned was Asmir Kalac, to come from Tuzla to Sarajevo. Asked to give a time-reference, K2 remembered that Ako called him some days before the murder of Zoran Djindjic, the prime minister of Serbia, who was assassinated 12 March 2003.<sup>162</sup> Having arrived in Sarajevo, K2 was picked up by Ako at a predetermined location and brought to the ‘Brajlovic’ Restaurant in Ilidza near Sarajevo where **Naser Kelmendi** was waiting for him.<sup>163</sup>
65. The meeting lasted 2-3 hours.<sup>164</sup> K2 was surprised because **Naser Kelmendi** usually never met anyone in a public place. During their meeting **Naser Kelmendi** asked K2 again to work for him. K2 also saw Asmir Kalac leaving to pick up a new ID card from a police officer called Zejnil Luckin in Ilidza and returning with the new document.<sup>165</sup> **Naser Kelmendi** said: “**You will either work for me or you will be against me.**”<sup>166</sup> “**I told you, if you want to be a gentleman, if you want to be a boss, you have to be by my side and not to do things on your own.**”<sup>167</sup>

<sup>155</sup> K2, 08.02.2013, p.8 [Binder 6, p.125].

<sup>156</sup> K2, 08.02.2013, p.8 [Binder 6, p.125].

<sup>157</sup> K2, 08.02.2013, p.8 [Binder 6, p.125].

<sup>158</sup> K2, 08.02.2013, p.9 [Binder 6, p.126].

<sup>159</sup> K2, 08.02.2013, pp.9-10 [Binder 6, pp.126-127].

<sup>160</sup> K2, 08.02.2013, p.10 [Binder 6, p.127].

<sup>161</sup> K2, 08.02.2013, p.12 [Binder 6, p.129].

<sup>162</sup> K2, 16.01.2014, p.4 [Binder 6, p.368].

<sup>163</sup> OCIU Photo Report on crime scene visits in Sarajevo, 18.02.2014 (stamped), p.14, showing the ‘Brajlovic’ Restaurant [Binder 5, p.269].

<sup>164</sup> K2, 16.01.2014, p.5 [Binder 6, p.369].

<sup>165</sup> K2, 08.02.2013, p.13 [Binder 6, p.130]; see: K2, Reconstruction Recording labelled as 26.02.2013 (5) [Binder 6, p.319].

<sup>166</sup> K2, 08.02.2013, p.13 [Binder 6, p.130].

<sup>167</sup> K2, 08.02.2013, p.13 [Binder 6, p.130].

66. **Kelmendi** then asked K2: “How did you transport the **50 Kilos of Heroin**,” correcting K2 that the drugs he had transported from Turkey were actually Heroin, not Cocaine, despite the substance’s light colour.<sup>168</sup> **Naser Kelmendi** told K2: “You see, you did not want to work for me but actually you do,”<sup>169</sup> explaining that the **50 Kilograms of Heroin that K2 supposedly transported for Iljier Kastrati were actually Naser Kelmendi’s drugs.**<sup>170</sup> Witness K1 confirms that K2 brought **50 kilos of white Heroin** to Tuzla for **Naser Kelmendi.**<sup>171</sup>
67. **Naser Kelmendi** kept pressing K2 to agree working for his OCG by saying: “**With me, you will be a boss...Let yourself be a boss, you are my man...**”<sup>172</sup> K2, however, responded that he only wanted to transport weapons, not Heroin.<sup>173</sup> **Kelmendi** then had **Ako** arrange to buy 20 new handguns from K2.<sup>174</sup> These guns were then eventually handed over in K1’s apartment, on which occasion K2 met K1 for the first time.<sup>175</sup>

## COUNT FIVE

### **Naser Kelmendi’s OCG Arrange and Transport 50,000 Ecstasy Tablets To Turkey**

68. Despite first resisting **Kelmendi’s** offers, K2 eventually agreed to organize the transport of **50,000 tablets of Ecstasy** for **Naser Kelmendi’s OCG** in cooperation with an old friend of his called **Hakija Krlic.**<sup>176</sup> Krlic had arranged this drug deal with the help of **Asmir Kalac** aka ‘**Ako**’ and **K1** who assured Krlic that they had a buyer in Turkey for these **50,000 Ecstasy tablets.**<sup>177</sup>
69. Witness K1 indicates regarding the same drug transaction, that upon the order of **Naser Kelmendi**, he went with 100,000 euros in cash to Amsterdam/Netherlands to pick up the Ecstasy from **Naser Kelmendi’s** Albanian contacts there. He stated that this occurred around the time Serbian Prime Minister **Zoran Djindic** was killed, remembering particular

<sup>168</sup> K2, 08.02.2013 p.13 [Binder 6, p.130].

<sup>169</sup> K2, 16.01.2014, p.5 [Binder 6, p.369].

<sup>170</sup> K2, 16.01.2014, p.5 [Binder 6, p.369].

<sup>171</sup> K1, 20.02.2013, p.6 [Binder 6, p.6]; K1, 20.05.2014, p.11 [Binder 6, pp.105/24].

<sup>172</sup> K2, 08.02.2013, p.14 [Binder 6, p.131].

<sup>173</sup> K2, 08.02.2013, p.14 [Binder 6, p.131].

<sup>174</sup> K2, 08.02.2013, p.15 [Binder 6, p.132].

<sup>175</sup> K2, 08.02.2013, p.15 [Binder 6, p.132]; see: K2, 06 and 12.03.2013, Reconstruction Recording 26.02.2013 (1), where K2 took Bosnian Law Enforcement to Alipasino Polje in Sarajevo, to K1’s apartment where K2 met K1 for the first time [Binder 6, p.317]; see also K1, 20.05.2014, p.10 [Binder 6, p.105/30].

<sup>176</sup> K2, 16.01.2014, p.6 [Binder 6, p.370].

<sup>177</sup> K2, 08.02.2013, pp.17-18 [Binder 6, pp.135-136].



security checks for flights coming in from the Balkan region.<sup>178</sup> K1 was present when the drugs were packed in the Netherlands. They were then driven in two small passenger vehicles by **Naser Kelmendi's men** to Sarajevo. After supervising the shipment as ordered by **Kelmendi**, K1 returned home by plane.<sup>179</sup>

70. Having agreed to arrange the transport of the **50,000 Ecstasy tablets** to Turkey, K2 arrived at the K1's apartment in Sarajevo where he met K1's wife and Asmir Kalac aka 'Ako'.<sup>180</sup> The tablets were to be sold for 1 Euro and 10 cents per tablet and K2 picked up the **50,000 Ecstasy tablets** from 'Ako' that were packaged in one large bag.<sup>181</sup> After packaging the pills into plastic bottles,<sup>182</sup> K2's trusted driver Sead Akeljc delivered the Ecstasy to the contact persons in Turkey designated by K1 and Asmir Kalac.<sup>183</sup>

71. Witness Sead Akeljc confirmed that "he did another job ... this time connected to [K2] and a guy called 'Hako' [nickname for Hakija]." Akeljc further informed that he drove a rented vehicle of Skoda or SEAT make when transferring the drugs to Turkey. The drugs were hidden in bottles in the tank of the vehicle and Sead was told by K2 later on that he had transported 50,000 tablets in total.<sup>184</sup> K2 stated that a SEAT Toledo vehicle was used for this transfer, because the construction of the gas tank opening of this type of car allowed hiding plastic bottles filled with the Ecstasy tablets in it.<sup>185</sup> Correspondingly, the analysis of Sead Akeljc's passport shows his 17-May-2003 entry into Greece, en-route for Turkey, driving a SEAT vehicle.<sup>186</sup>

## COUNT SIX

### K2 Coordinates the Transport of 100,000 Ecstasy Tablets for Naser Kelmendi as Part of His OCG

72. Before K2 was entrusted with another drug shipment, **Naser Kelmendi** asked him for a written contract signing over K2's apartment as a guarantee for 100,000 Ecstasy pills. "Give me the apartment as the guarantee; I will give you 100,000," **Kelmendi** told K2.<sup>187</sup> The contract was in the name of K2's wife and written up by attorney Alma Prnjavorac, a

<sup>178</sup> K1, 20.02.2013, pp.9-10 [Binder 6, pp.9-10].

<sup>179</sup> K1, 20.02.2013, p.10 [Binder 6, p.10].

<sup>180</sup> K2, 08.02.2013, p.19 [Binder 6, p.137].

<sup>181</sup> K2, 08.02.2013, p.19 [Binder 6, p.137].

<sup>182</sup> K2, 08.02.2013, p.21 [Binder 6, p.139]; Sead Akeljc, 27.05.2004, pp.4-5 [Binder 7, pp.4-5].

<sup>183</sup> K2, 08.02.2013, p.19 [Binder 6, p.137]; K2, 16.01.2014, p.6 [Binder 6, p.370].

<sup>184</sup> Sead Akeljc, 27.05.2004, p.5 [Binder 7, p.5].

<sup>185</sup> K2, 08.02.2013, p.19 [Binder 6, p.136]; see also: K2, 06 and 12.03.2013, Reconstruction Recording labelled as '06.03.2013 (DW-A0033)' [Binder 6, pp.333-334].

<sup>186</sup> Sead Akeljc passport analysis, 17.06.2004, stamp analysis for 17-May-2003 [Binder 8, p.39].

<sup>187</sup> K2, 08.02.2013, p.25 [Binder 6, p.142].

lawyer from Tuzla.<sup>188</sup> K1 confirms that “**all apartments [were] registered to Milada, [K2’s] wife.**”<sup>189</sup>

73. Asked by Bosnian authorities, **Milada said that K2 forced her to put their apartment under mortgage in the name of K1 around April or May of 2003 due to 110,000 being owed by K2 to K1.**<sup>190</sup> She remembers signing the written document prepared by attorney Alma Prnjavorac and that it had a repayment period of 5 months.<sup>191</sup> K1 told K2 he had a buyer for this new Ecstasy shipment in Turkey in exchange for 110,000 Euros.<sup>192</sup> **The apartment was mortgaged “just to calm down Kelmendi regarding the debt he incurred”.**<sup>193</sup>
74. Attorney Alma Prnjavorac met K2 and his wife Milada, who requested she draft a contract involving her giving a flat in about May 2003. They requested the contract not be certified in the court but the attorney refused to do this.<sup>194</sup> K2 and Milada returned with K1 and others, requesting the attorney draft a contract whereby Milada would borrow 125-130,000 Euro from K1 for a period of five months, with an apartment as collateral. A court official certified the contract which was signed by K1 and Milada.<sup>195</sup> There were no witnesses.<sup>196</sup> Sead Akeljic was initially asked to be a witness to the signing of the contract, but the attorney indicated no witnesses were required if the contract was certified by the court.<sup>197</sup> In the middle of September 2003, K1 returned to warn the attorney that the money had not been paid. Attorney Prnjavorac informed Milada, who responded to K1 saying, “I will never leave the apartment...I will report all of you.”<sup>198</sup>
75. K1 came to K2 in Tuzla with a sample of the Ecstasy which Witness Mehanovic and his girlfriend Larisa took to **Naser Kelmendi’s** contacts in Turkey to check the quality.<sup>199</sup> Haris Mehanovic, K2’s driver and bodyguard, confirms this: “I went by plane along with Larisa only to hand over the sample and I went back on the next flight.”<sup>200</sup>

<sup>188</sup> K2, 20.02.2013, p.26 [Binder 6, p.143]; Alma Prnjavorac, 17.07.2004 [Binder 7, pp.415-429].

<sup>189</sup> K1, 20.02.2013, p.15 [Binder 6, p.15]; K1, 20.05.2014, pp.15-16 [Binder 6, pp.105/28-105/29].

<sup>190</sup> Milada Trakic, 14.06.2004, pp.4-5 [Binder 7, pp.396-397].

<sup>191</sup> Milada Trakic, 14.06.2004, pp.4-5 [Binder 7, pp.396-397].

<sup>192</sup> K2, 08.02.2013, p.26 [Binder 6, p.143].

<sup>193</sup> Haris Mehanovic, 14.11.2013, p.7 [Binder 7, p.287]; see copy of Mortgage Loan Agreement, 02.06.2003 [Binder 8, pp.274-275].

<sup>194</sup> Alma Prnjavorac, 17.07.2004, pp.2-3 [Binder 7, pp.416-417].

<sup>195</sup> Copy of Mortgage Loan Agreement [Binder 8, pp.274-275].

<sup>196</sup> Alma Prnjavorac, 17.07.2004, p.3 [Binder 7, p.417].

<sup>197</sup> Sead Akeljic, 31.01.2005, p.9 [Binder 7, p.71]; see also: Sead Akeljic, 27.05.2004, p.9 [Binder 7, p.9].

<sup>198</sup> Alma Prnjavorac, 17.07.2004, p.4 [Binder 7, p.418].

<sup>199</sup> K2, 08.02.2013, p.29 [Binder 6, p.146].

<sup>200</sup> Haris Mehanovic, 14.11.2013, p.13 [Binder 7, p.283].



76. After the quality of the drugs had been approved, K2 asked his mechanic Zeljko Bozic to come to Sarajevo in order to remove the gas tank of K2's Mercedes vehicle in a garage in the outskirts of town.<sup>201</sup> According to Witness Bozic, two other vehicles arrived in front of the garage and a man brought two carrier bags into the garage, containing a number of objects that were shaped like small balls wrapped in adhesive tape which they placed inside the concealed compartment of the gas tank. Zeljko then reassembled the gas tank and K2 made him catch a plane from Zagreb to Istanbul.<sup>202</sup> In Istanbul, Bozic was taken several days later to a garage to disassemble the same Mercedes vehicle's gas tank following which the wrapped balls were removed. Bozic then returned to Bosnia and was later brought by K2 to Tuzla, where he again had to disassemble the same Mercedes gas tank.<sup>203</sup>
77. K2's recollection regarding the delivery and packaging of the Ecstasy does supplement the evidence of Witness Bozic. According to K2, **Naser Kelmendi** arrived in a ML Jeep accompanied by a blue Golf vehicle. According to K2, himself, Asmir Kalac, and K1 were present upon **Kelmendi's** arrival, while mechanic Bozic was inside the garage.<sup>204</sup> The tablets, wrapped in plastic, were taken out of the Golf and put in the tank of K2's Mercedes. **Naser Kelmendi told K2 in Albanian, "If you screw me, ...you will be fucked."** **"Don't play with me, because you are playing with your head."**<sup>205</sup>
78. During a Reconstruction of Events on 26 February 2013, **K2** took Bosnian law enforcement officers to the Sarajevo settlement of Hrasnica. He **showed** them a **garage with a lot of bullet marks** situated in Put Famosa Street, explaining that this was the location where **Naser Kelmendi** arrived in a Mercedes ML SUV, with further collaborators arriving in a VW Golf. They unloaded the 100,000 Ecstasy tablets from the Golf and then loaded them into the altered gas tank of K2's Mercedes.<sup>206</sup> During another Reconstruction, **K1 identified the exact same location** as the place where the 100,000 Ecstasy tablets were packed into K2's Mercedes' redesigned fuel tank under the

<sup>201</sup> Zeljko Bozic, 14.11.2013, pp.3-5 [Binder 7, pp.103-105]; Bosnian Police Report, (undated), on search of the premises of Ermin Mujkic, pictures 10-13, which K2 confirmed to SPRK as showing his Mercedes car's gas tank with hidden the compartment [Binder 8, pp.175-180]; see also: Bosnian Expert Analysis of fuel tank, 20.07.2004, with findings and photo documentation [Binder 8, pp.183-201]. Witness Bozic identified the garages where the Ecstasy was loaded into the Mercedes gas tank: see Bosnian Photo Documentation, 15.11.2005 (compiled), pictures 7-11 [Binder 8, pp.239-242].

<sup>202</sup> Zeljko Bozic, 14.11.2013, p.5 [Binder 7, p.105].

<sup>203</sup> Zeljko Bozic, 14.11.2013, pp.5-6 [Binder 7, pp.105-106].

<sup>204</sup> K2, 08.02.2013, pp.26-27 [Binder 6, pp.145-146]; compare K1, 20.05.2014, p.13 [Binder 6, p.105/26].

<sup>205</sup> K2, 08.02.2013, p.27 [Binder 6, p.145].

<sup>206</sup> K2, 21.03.2013, Reconstruction Recording marked 26.02.2013 (6) [Binder 6, pp.319-320]; see also: K1, 20.02.2013, pp.8-9 [Binder 6, pp.8-9].



supervision of **Naser Kelmendi**. According to K1, K2 and Asmir Kalac 'Ako' were also present at the time.<sup>207</sup>

79. K2 paid Sead Akeljic 10,000 Euros to drive the Ecstasy tablets to Turkey where Akeljic first handed over the vehicle to Turkish middlemen and then waiting several days before receiving the vehicle back.<sup>208</sup>

## COUNT SEVEN

### **Naser Kelmendi's OCG Transport 25 Kilograms of Heroin from Turkey to Sarajevo**

80. Sead Akeljic delivered the **100,000 Ecstasy tablets** to Turkey for which he received **25 kilograms of Heroin** in return, which were again hidden in the gas tank of the Mercedes vehicle.<sup>209</sup> K2 stated: "I thought that the money will arrive, but **25 kilograms** of Heroin arrived which was taken over by [K1]..." Sead Akeljic had driven the car to Tuzla to the house of one of K1's relatives where the drugs were unloaded by K1 and K2.<sup>210</sup>
81. K1 confirms that Sead Akeljic transported Heroin in the Mercedes gas tank when coming back from Turkey. The Heroin was wrapped in balls.<sup>211</sup> The failure to return from Turkey with money also explains why K1 went back to attorney Alma Prnjavorac, informing her that "the money [for which K2's apartment had been given as a guarantee] hadn't been paid."<sup>212</sup>
82. **In addition**, the Heroin turned out to be of poor quality.<sup>213</sup> According to K1, the "Quality was zero."<sup>214</sup> Sead Akeljic confirms that those present where the Mercedes was unloaded started to argue because the drugs were of poor quality.<sup>215</sup>
83. While it turned out to be difficult for K2 to sell the low quality Heroin, **Naser Kelmendi** wanted his money back.<sup>216</sup> K2 knew that with **Naser Kelmendi**, "**You are not allowed**

<sup>207</sup> K1, Reconstruction Recording marked DW-A0023 [Binder 6, pp.63-64]; see also: OCIU Photo Report on crime scene visits in Sarajevo, 18.02.2014 (stamped), p.12 [Binder 5, p.267]; K1, 20.05.2014, p.13 [Binder 6, p.105/26].

<sup>208</sup> Sead Akeljic, 27.05.2004, p.6 [Binder 7, p.6].

<sup>209</sup> K2, 08.02.2013, p.31 [Binder 6, p.148].

<sup>210</sup> Sead Akeljic, 15.01.2014, p.4 [Binder 7, p.90]; Sead Akeljic, 31.01.2005, p.9 [Binder 7, p.71]; witnesses Zeljko Bozic and Sead Akeljic identified each other from photo lineups, see: Bosnian Police Report, 08.11.2005, with Identification Records [Binder 8, pp.208-231]; see also: K2, 06.03.2013, p.3 [Binder 6, p.334]; K1, 20.02.2013, p.11 [Binder 6, p.11].

<sup>211</sup> K1, 20.02.2013, pp.10-11 [Binder 6, pp.10-11].

<sup>212</sup> See above.

<sup>213</sup> K2, 08.02.2013, p.32 [Binder 6, p.149].

<sup>214</sup> K1, 20.02.2013, pp.10-11 [Binder 6, pp.10-11].

<sup>215</sup> Sead Akeljic, 15.01.2014, p.4 [Binder 7, p.90].

<sup>216</sup> K2, 08.02.2013, p.32 [Binder 6, p.149].

to be late.”<sup>217</sup> K2 arranged to meet **Naser Kelmendi** and others in the woods and was told to bring ‘Ako’ and K1 with him.<sup>218</sup> **K2 thought Naser Kelmendi would kill him.**<sup>219</sup> So did K1, stating that “**Naser wanted to kill him. And I thought he will kill him for sure.**”<sup>220</sup> K1 intervened, begging **Naser Kelmendi** not to kill K2, and **Naser Kelmendi** spared K2’s life, but required K2 to pay him 11,000 euros in interest per month plus the principal of 110,000 euros, to be paid back in one installment.<sup>221</sup> K1 confirms the 110,000 debt K2 agreed to owe **Naser Kelmendi** and the 11,000 per month interest K2 was to pay to **Naser Kelmendi.**<sup>222</sup>

## COUNT EIGHT

### **Naser Kelmendi Used K2 And Other Members Of His OCG To Transport A Large Shipment of Heroin From Tuzla To Austria**

84. Having managed to make several monthly interest payments, K2 eventually became unable to pay the 11,000 Euro on time. **Naser Kelmendi** then ordered him to pick up a particular VW Caddy vehicle in Tuzla and to drive it to Austria in order to bring a truck tarpaulin back to Bosnia.<sup>223</sup> In exchange, **Kelmendi** offered to waive one interest payment.<sup>224</sup>
85. K2 picked up the VW Caddy vehicle as instructed by **Naser Kelmendi**<sup>225</sup> and drove it through Slovenia to a factory hall in Austria.<sup>226</sup> Upon arrival, K2 dropped off the car, but when returning to the factory hall at night to retrieve his cell phone, he saw two men unloading **a large amount of Heroin** in the shape of cubes wrapped with white scotch tape from the inner lining of the vehicle’s roof.<sup>227</sup> “**I just saw there was lots of it**”, K2 explained.<sup>228</sup> “**I am sure it was a much bigger quantity than the one I had**

<sup>217</sup> K2, 08.02.2013, p.44 [Binder 6, p.162].

<sup>218</sup> K2, 08.02.2013, p.33 [Binder 6, p.150].

<sup>219</sup> K2, 16.01.2014, p.7 [Binder 6, p.371].

<sup>220</sup> K1, 20.02.2013, pp.6-7, 15 [Binder 6, pp.6-7, 15].

<sup>221</sup> K2, 08.02.2013, p.34 [Binder 6, p.151]; K2, 16.01.2014, p.6 [Binder 6, p.370].

<sup>222</sup> K1, 20.02.2013, p.6 [Binder 6, p.6].

<sup>223</sup> K2, 06 and 12.03.2013, Reconstruction Recording labelled as ‘06/03/2013 (DW-A0036)’, indicating the location of the “Zovko” gas station in Zivinice where K2 was told by **Naser Kelmendi** to take the VW Caddy to Austria to get the tarpaulin [Binder 6, p.336].

<sup>224</sup> K2, 08.02.2013, p.47 [Binder 6, p.165].

<sup>225</sup> K2, 06 and 12.03.2013, Reconstruction Recording labelled ‘06/03/2013 (DW-A0035)’, K2 showing the location of the Automobile Association BIHAMK in Zivinice where he was given the VW Caddy by one of **Naser Kelmendi’s** men [Binder 8, pp.335-336]. A written international authorization was signed by both of them and a woman working for BIHAMK was paid 50 marks. This occurred near the end of August 2003.

<sup>226</sup> K2 had a mechanic attempt to find drugs in the Caddy before he drove it to Austria. The mechanic found nothing and K2 went to Austria 2-3 days later [Binder 6, pp.165-166].

<sup>227</sup> K2, 08.02.2013, pp.48-49 [Binder 6, p.167]; K2, 16.01.2014, p.7 [Binder 6, p.371].

<sup>228</sup> K2, 08.02.2013, p.49 [Binder 6, p.167].

transported from Turkey.”<sup>229</sup> “The men unloading the cubes told me that it was Heroin.”<sup>230</sup>

86. When K2 saw the VW Caddy the next day, it “look[ed] like nothing has been in it ever. It was again welded up, painted, all fixed up.”<sup>231</sup> K2’s passport, confirms entries into Slovenia and Austria at the pertinent time.<sup>232</sup>

87. Upon return to Sarajevo, **Naser Kelmendi himself told K2 that the drugs belonged to him.**<sup>233</sup> When handing over the truck tarpaulin and the VW Caddy, K2 asked **Kelmendi**, “What did you do to me?” to which **Naser Kelmendi replied: “Did you think that you will transport only tarpaulin for 11,000 euros?”**<sup>234</sup>

## COUNT NINE

**Naser Kelmendi And Other Members of his OCG Transferred Over Two Tons of Anhydride Acid From A Large Number Of Blue Barrels Into Specially Designed Pockets In The Tarpaulin To Then have it Shipped onwards for Drug Preparation Purposes.**

88. The tarpaulin K2 had delivered was then put on a truck by six or seven of **Naser Kelmendi’s men.**<sup>235</sup> Then **Kelmendi** supervised the pumping of anhydride, an acid solution described as “water” from a large number of blue barrels into hidden pockets built into the tarpaulin with some kind of engine.<sup>236</sup> K2 burned his hand from touching some of the acid. **Naser Kelmendi** was upset because the total amount of 2.5 tons of acid could not fit into the tarpaulin.<sup>237</sup> **Kelmendi** then offered to waive two more of K2’s monthly interest payments if the latter would agree to bring another tarpaulin from Austria, but K2 refused to do any more work for **Naser Kelmendi.**<sup>238</sup>

<sup>229</sup> K2, 16.01.2014, p.7 [Binder 6, p.371].

<sup>230</sup> K2, 16.01.2014, p.8 [Binder 6, p.372].

<sup>231</sup> K2, 08.02.2013, p.50 [Binder 6, p.168].

<sup>232</sup> K2 passport analysis [Binder 8, pp.97-134].

<sup>233</sup> K2, 16.01.2014, p.8 [Binder 6, p.372].

<sup>234</sup> K2, 16.01.2014, p.8 [Binder 6, p.372].

<sup>235</sup> See OCIU Photo Report on crime scene visits in Sarajevo, 18.02.2014 (stamped), p.11, showing the location in the outskirts of Sarajevo where the tarpaulin was put on the truck and the anhydride pumped into its hidden pockets [Binder 5, p.266].

<sup>236</sup> K2, 08.02.2013, p.51 [Binder 6, p.169].

<sup>237</sup> K2, 08.02.2013, p.52 [Binder 6, p.170]; see: K2, 06 and 12.03.2013, Reconstruction Recording labelled ‘12/03/2013 (DW-A0038)’, K2 showing location in “Stup” (Halilovici), where the Caddy was brought from Austria at the end of August 2009 with the tarpaulin, which was then put on top of a lorry and its hidden pockets then filled with 2+ tons of acid [Binder 6, pp.337-342].

<sup>238</sup> K2, 08.02.2013, p.52 [Binder 6, p.170].



89. Clarifying the purpose of the aforementioned anhydride, K2 also stated the following: shortly before he made the trip to Austria, **Naser Kelmendi** told K2 that he could “pay back the entire debt if I steal acid from a store house in Lukavac and hand the barrels over to him. He told me that he needs it for Heroin production and has to transport it to Turkey in order to give it to Kurds. I could not steal this acid as it was well guarded by the police. I know that certain amount of this acid was confiscated in BiH authorities. It was imported from Europe and confiscated from one of **Naser’s** associates.”<sup>239</sup>
90. Corroborating this account, **Naser Kelmendi** made the same offer to Witness Zijad Turkovic, the husband of Sejla Turkovic. “He wanted me to get it out, steal the acid somehow for him, and find someone who can get the acid out from there and deliver to him.”<sup>240</sup> “...I think it was factory, or abandoned army barracks, they safeguard that warehouse at one place and I was there...It was a lot of guards. I saw it, it was in blue color like this...Yes, blue barrels, I saw it as I entered inside...I have seen the sea of barrels all next to each other.” But Zijad rejected the offer.<sup>241</sup>
91. The acid loaded and hidden inside the truck tarpaulin was then transported to an unknown location, most probably to Turkey where K1 had personally witnessed together with **Naser Kelmendi** the process of ‘washing Heroin’.<sup>242</sup> This procedure was used to enhance the level of purity of the drug, finally becoming so-called “White Heroin,” a significantly more concentrated form of the substance.<sup>243</sup>

## CONCLUSION

### Murder Counts

92. The core members of the **Naser Kelmendi** OCG had **tremendous financial resources** to hire highly experienced assassin Strahinja Raseta and a team of other criminals to execute a well-coordinated and extensive operation to murder Ramiz Delalic. This included providing living accommodations, food, special weapons, travel documents, transportation and the payment of at least 100,000 euros.
93. Consequently, the **Naser Kelmendi** OCG was highly motivated and unified in their intention to murder Ramiz Delalic.

<sup>239</sup> K2, 16.01.2014, p.9 [Binder 6, p.373]; see: K2, 06 and 12.03.2013, Reconstruction Recording labelled as ‘06/03/2013 (DW-A0037)’, on which K2 shows the location in municipality of Lukavac where the acid was stored [Binder 6, pp.336-337].

<sup>240</sup> Zijad Turkovic, 31.05.2013, pp.4-5 [Binder 3, p.435-436].

<sup>241</sup> Zijad Turkovic, 31.05.2013, pp.4-5 [Binder 3, p.435-436].

<sup>242</sup> K1, 20.05.2014, pp.19-20 [Binder 6, p.105/32-105/33].

<sup>243</sup> K3, 10.02.2014, p.5 [Binder 6, p.425]; K1, 20.05.2014, p.20 [Binder 6, p.105/33].

94. Witnesses Sejla Turkovic, Ivica Stanojevic, K4, K5 and others have given significant material evidence demonstrating Naser Kelmendi's well-organized and structured successful operation of the murder of Ramiz Delalic in spite of placing themselves in great danger and with nothing to gain from their statements.

#### Drug Counts

95. Naser Kelmendi's extensive drug trafficking network and all the six specific drug transactions have been established through the corroborated statements of actual members of his Organized Criminal Operation.
96. Among others, Witnesses K1, K2, K3, Sead Akeljic, Haris Mehanovic and Zeljko Bozic freely admit they were all part of Naser Kelmendi's organized drug trafficking operation, stretching between Turkey, the Balkans and Western Europe.
97. All of them have given significant, detailed, and independent corroborative statements regarding the packaging and transporting of huge amounts of Heroin and Ecstasy in modified gas tanks.
98. The certified and authenticated passports of Sead Akeljic and K2 corroborate their testimony regarding the coordination and transporting of large shipments of Heroin and Ecstasy between Europe and Turkey as part of Naser Kelmendi's drug trafficking operation.
99. All of them have testified that the amount of Heroin and Ecstasy shipped by Naser Kelmendi's OCG is on an **industrial scale level**, consisting of transporting **tons of these drugs** between Turkey and Europe worth millions of euros.
100. The evidence clearly demonstrates that Naser Kelmendi has many people working for him in Afghanistan, Turkey, Bosnia, Serbia, Austria, Switzerland, England, and throughout Europe.
101. Although Naser Kelmendi describes himself as of **"average"** economic means, the aforementioned investigation reveals he and his sons possess millions of euros in assets in Bosnia, Montenegro, Kosovo and elsewhere.
102. The extensive financial investigation done in the case also confirms that he and his drug trafficking network have deposited, transfered, laundered and withdrawn millions of euros, and other forms of currency between numerous bank accounts in many different countries.

103. The drug trafficking methods of packaging, processing, and concealing of these huge shipments of drugs by **Naser Kelmendi's** OCG and the specific drug trafficking routes can be verified through expert law enforcement testimony.
104. The coded method taught and employed by **Naser Kelmendi** through his OCG regarding his small wire transfers of currency from Kosovo to Turkey and the sms messages gleaned from his 10 cell phones and 9 SMS cards seized during his arrest, confirm K1's testimony and demonstrate **Naser Kelmendi's** well organized and structured drug trafficking operation.

## **PROPOSAL FOR TRIAL**

105. The undersigned Prosecutor proposes that the main trial of this case be scheduled and held in the Basic Court in Prishtina.

## **RECOMMENDATION AS TO EVIDENCE AND WITNESSES**

106. The undersigned Prosecutor requests that the following person be summoned to the main trial:

**Defendant Naser Kelmendi**

107. The undersigned Prosecutor recommends that the following witnesses be heard:

Gary Farnsworth - OCIU Investigator  
George Pleasant - OCIU Investigator  
Phil Weston - OCIU Investigator  
Steve Harmon - OCIU Investigator  
Jari Tonteri - OCIU Financial Analysis  
Nijaz Smajic – Bosnian Ballistics Expert  
TBD. – Bosnian Police Officers at Crime Scene  
Dr. Hamza Zujo – Bosnian autopsy expert  
Ismet Katana – Bosnian passport analysis expert  
Enes Zeljkovic – Bosnian forensic lab performing Gas Tank analysis  
TBD. – International Drug Trafficking Expert  
TBD. – TAK investigators

Witnesses K1, K2, K3, K4, K5



Edin Ahmetpahic  
Sead Akeljic  
Arun Balota  
Mehmed Begic  
Zeljko Bozic  
Ljubisa Buha 'Cume'  
Muharem Causevic  
Pero Covic  
Hamdi Dacic  
Mehment Durak  
Darko Elez  
Muhammed Gashi  
Margareta Hadzic  
Benjamin Halilovic  
Suljo Husic  
Jasmin Jaganjac  
Milovan Jeremic  
Ako Kalac  
Ilija Kastrati  
Besnik Kelmendi  
Elvis Kelmendi  
Liridon Kelmendi  
Esad Kolcak  
Hakija Krljic  
Nura Kuc  
Sami Kuci  
Anes Kurbegovic  
Milenko Lakic  
Ekrem Lekic  
Robert Lesdedaj  
Zejnil Luckin  
Haris Mehanovic  
Milan Mitic  
Hajrudin Mujagic  
Aldin Music  
Batko Music  
Naser Oric  
Milan Ostojic 'Sandokan'  
Marija Pavlovic  
Nova Plakalovic

Emir Poljak  
Alma Prnjavorac  
Fahrudin Radoncic  
Sead Robovic  
Senad Sahimpasic  
Azra Saric  
Ivica Stanojevic  
Sesa Stepanovic  
Milada Trakic  
Sejla Turkovic  
Zijad Turkovic  
Fevzi Vasja  
Andeljko Veljancic  
Nebljsa Vukomanovic  
Dordje Zdrle

108. The undersigned Prosecutor further submits the evidence listed in Annex 1 of this Indictment.

### **Notice of Corroboration**

#### **pursuant Articles 243 (1.1) and 263 CPC**

The Prosecution submits that it provided detailed referencing of the evidence in the footnotes of the Indictment above and that it thereby discharged its duty under Articles 243 (1.1) and 263 CPC. These references identify the evidence corroborating the statements the Prosecution intends to rely on at trial in case the sources of these statements become unavailable or refuse to testify.

**Application for Extension of Detention on Remand Post-Indictment**  
**pursuant Article 193 CPC**

1. The undersigned Prosecutor requests that detention on remand be continued against Defendant **Naser Kelmendi** until the conclusion of the trial. The Pre-Trial Judge in this case has granted all of the Prosecution's requests for extension of detention on remand against Defendant **Naser Kelmendi**, finding pursuant to Article 187 (1.1) CPC a grounded suspicion for Organized Crime, Murder and Drug Trafficking. The extensive facts described in the Indictment further support grounded suspicion for Aggravated Murder as well as all the additional drug charges, which manifested out of Defendant **Naser Kelmendi's** extensive and-well structured Organized Criminal Group.

2. The Pre-Trial Judge continuously found, pursuant to Article 187 (1.21), that there was a clear danger of flight, which continues to exist, since Defendant **Naser Kelmendi** escaped from Bosnia to Kosovo to avoid the active Bosnian warrant for Murder and Organized Crime regarding these same facts. The pre-Trial judge further continuously found, pursuant to Article 187 (1.22.) that the risk continued to exist that Defendant **Naser Kelmendi** would obstruct the progress of the criminal proceedings by influencing witnesses and or/destroy, hide change or forge evidence, as is evidenced by the threats made against witnesses and the need for witnesses to remain under Eulex Witness Protection. The Pre-Trial Judge also repeatedly found that the facts of the case indicated a risk that Defendant **Naser Kelmendi** would continue to commit the criminal offences, which he was under investigation for.

3. Finally, the Pre-Trial Judge found that the established risks could not be minimized to an acceptable level by more lenient measures such as, for example, house detention. Particularly the risk of influencing witnesses, as further established in the confidential reports submitted by the SPRK, remains imminent. Moreover, despite the Defense assertions, the Prosecution maintains that there is a high risk that, if released from detention, Naser Kelmendi would abscond to evade justice as he did prior when an arrest warrant was issued against him by Bosnia and Herzegovina.

4. In view of all the above, the undersigned Prosecutor maintains that extension of detention on remand remains warranted in this case and therefore requests that Defendant **Naser Kelmendi** be kept post-indictment in detention until the conclusion of his trial.



**Application for Protective Measure of  
Anonymity from the Public pursuant Article 223 CPC**

1. While complete anonymity, as granted by the Pre-Trial Judge is not warranted any more for neither of the five witnesses named K1 to K5, the lesser measure of Anonymity from the Public will be necessary to enable these individuals to give evidence in this trial.
2. Witness Protection Measures preventing direct attempts on the witnesses' life have been instituted by EULEX and its international partners as far as feasible in this case. However, Naser Kelmendi's Defense Counsel in Bosnia and Herzegovina has shown her inclination to leak case documents to the press (see verbatim citations from Naser Kelmendi Defendant Statement in Bosnian weekly 'Bosna' in evidence). This proved to have an intimidating effect on witnesses during the investigation.
3. Anonymity in the public will thus be important during trial, to barr the Defense from using similar tools any further. An ongoing trial case should be discussed by the parties in front of the competent court, not in the media. Moreover, while having instituted the aforementioned measures of protection for the witnesses and their immediate families, their statements might create repercussions even for more distantly connected individuals. To minimize this danger as far as possible, anonymity from the public would be crucial.
4. For the above reasons, the Indictment against Naser Kelmendi uses the pseudonyms for witnesses K1 to K5 instead of their names. Should the Honourable Court require further information in connection with this Application for Protective Measures, the Prosecution is prepared to provide such information *in camera*.

Indictment, Notice and Applications respectfully submitted,



Andrew Hughes

International SPRK Prosecutor