



3rd AMITY NATIONAL TRIAL ADVOCACY TOURNAMENT 2024

AMITY LAW SCHOOL NOIDA, AMITY UNIVERSITY

17th to 20th January 2024

TRIAL PROBLEM

HOSTED BY:

STUDENT BAR FORUM

AMITY LAW SCHOOL NOIDA, AMITY UNIVERSITY

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EXHIBIT-I

FIRST INFORMATION REPORT

(Under Section 154 of CrPC)

1. District – **Crime Branch P.S.: Crime Branch**
 - a. Year- **2019**
 - b. FIR no- **0059**
 - c. Date: **13/12/2019**

2. Acts: **IPC 1860 and UAP(A 1967)**
 - a. **Kosovo Penal Code u/S-: 120B r/w 124A/ 149/ 34**
 - b. **UA(P) Act u/S-: 13/16/18**

3. Occurrence of Offence:-
 - a. Day Date-: From **05/12/2019** to **14/12/2019**
 - b. Time Period-: **NA**
 - c. Information received-: **13/12/2019**
 - d. Time-: **2251 hrs**
 - e. General Dairy Reference Entry no: **002A**

4. Type of Information-: **Oral**

5. Place of occurrence:-
 - a. Direction and distance from police station-: **N/A, as investigated by Crime Branch.**
 - b. Address-: **Police Headquarters, City Hall, Central Kosovo University and Parliament of Kosovo**
 - c. In case, outside the limit of the Police station-: **N/A, as investigated by Crime Branch**
 - d. Name of PS District-: **Crime Branch P.S.: Crime Branch**

6. Complainant / Informant-:

- a. Name:- **Senior Inspector Adam Keeza**
 - b. Nationality:- **Kosovo**
 - c. Passport No.-: **NA**
 - i. Date of Issue:- **NA**
 - ii. Place of Issue:- **NA**
 - d. Occupation:- **Senior Inspector in the Crime Branch of the Kosovo Police**
 - e. Address:- **N cell, Crime Branch , Kosovo City, Kosovo.**
7. Details of known/suspect/unknown accused with full particulars (attach separate sheet if necessary):-
- a. **Camilo Cienfuegos**
 - i. **(R/O) Peja, Kosovo City, Kosovo.**
 - b. **Hugo Chávez**
 - i. **(R/o) City Hall, Kosovo City, Kosovo.**
8. Reason for delay in reporting by the complainant/ informant:- **NO DELAY**
9. Particulars of the Properties stolen/involved (attach separate sheet if necessary):- **NA**
10. Total value of property stolen:- **NA**
11. Inquest report/ U D case no if any:-**NA**
12. FIR contents (attach separate sheet if necessary):-
- a. Sir, request is this I am Adam Keeza no. D -708 deputed at Crime Branch. I received credible information from my source that the riots happened in Kosovo on 13 December, 2019 was a planned and conspired act, Camilo Cienfuegos and Hugo Chávez who are connected with different organizations planed this conspiracy. Under this conspiracy Camilo Cienfuegos gave provocative speech and requested the people to come on the road on 13 December, 2019. In this conspiracy Camilo Cienfuegos and Hugo Chávez planned to protest at several places, and in furtherance of this conspiracy collected firearms, petrol bombs, acid bomb, stones and slingshots to throw and other deadly weapons stored in

several areas. To assemble the people from different locations responsibility was given to Hugo Chávez. In pursuance of this plan on 13 December, 2019 university assembled to trouble general public to incite riots. On the same day, in some schools where children of minorities communities study, the students were vacated in a premeditated manner. If this conspiracy is investigated deeply then role of other accused can be unearthed. I have entered the above information in daily diary, and shown the entry to the senior officer and informed about the situation, senior officer has informed the same to other higher officers. Further, as there were unlawful activities, stone pelting, firing on police and other activities to harm unity of the nations attracted provisions **KPC -:120B r/w 124A/ 149/ 34 and UA(P) Act u/S-: 13/16/18**. Therefore complaint is submitted to register FIR, after registering FIR as the instruction of senior officer FIR for the investigation sent to the Special Cell at Pristina.

Sd/-

Signature of Informant

Name-: Adam Kezza

FIR read over to the complainant/informant admitted to be correctly recorded and copy give to the complainant/ informant free of cost.

EXHIBIT-II

BEFORE THE HONOURABLE SPECIAL JUDGE,

ESPLANDE

(THE COURT OF ADDITIONAL METROPOLITAN SESSIONS JUDGE)

(ESPLANDE)

CHARGE SHEET

(Under Section 173 (2) (i) Cr. P. C)

STATE OF KOSOVO

Versus

Hugo Chavez(A-2)

Camilo Cienfuegos(A-1)

1.	Name of the Branch	:	Crime Branch P.S.: Crime Branch
	FIR No.	:	0059/2020
	Year	:	2019
	Date	:	13/12/2019
2.	Final Report/Chargesheet	:	Chargesheet No. 1
3.	Date	:	22/11/2020
4.	Sections of Law (as per FIR)	:	u/s 120B r/w 124A/ 149/ 34 of Kosovo Penal Code. u/s 13/16/18 of UAP(A)
5.	Type of Final Report	:	Charge Sheet against A-1 and A-2
6.	If Final Report un-occurred/ False Mistake of fact/Mistake of law Non Cognizable Civil Nature	:	No
7.	If Charge Sheet: Original/Supplementary	:	Original

8.	Name of Investigating Officer	:	L.R. Franco
9.	Name of Complainants/ Informants	:	-

10. PARTICULARS OF ACCUSED PERSONS IN THE CHARGESHEET:

1) Camilo Cienfuegos

1	Name	:	Camilo Cienfuegos
2.	Whether Verified	:	Yes
3.	Date of Birth and Age	:	11/08/1990; 30 Years
4.	Father Name	:	Ramon Cienfuegos
5.	Sex	:	Male
6.	Nationality	:	Kosovan
7.	Passport No	:	Not Issued
8.	Occupation	:	Student
9.	Religion	:	Bektashi
10.	Whether SC/ST	:	No
11.	Address(Present)	:	14/38, St. Patrick Street, Peja, Kosovo City, Kosovo
12.	Address(Permanent)	:	Plot No. 39, Village Elaz Han, Ferizaj, Kosovo
13.	Whether Verified	:	Yes
14.	Provisional Criminal No.	:	No
15.	Regular Criminal No.	:	No
16.	Date of Arrest	:	14/12/2019
17.	Date of Release on Bail	:	Not Released
18.	Under Acts and Sections (of Chargesheet)	:	u/s 120B r/w 124A/ 149/ 34 of Kosovo Penal Code. u/s 13/16/18 of UAP(A)
19.	Previous criminal convictions	:	No
20.	Status of Accused	:	In custody

2) Hugo Chavez

1	Name	:	Hugo Chavez
2.	Whether Verified	:	Yes
3.	Date of Birth and Age	:	13/03/1993; Age 27
4.	Father Name	:	Juan Chavez
5.	Sex	:	Male
6.	Nationality	:	Kosovan
7.	Passport No	:	Not Applicable
8.	Occupation	:	Student
9.	Religion	:	Bektashi
10.	Whether SC/ST	:	No
11.	Address(Present)	:	Room No. 16, Central Kosovo University Hostel, Kosovo City, Kosovo
12.	Address(Permanent)	:	6/6, Prestina, Kosovo
13.	Whether Verified	:	Yes
14.	Provisional Criminal No.	:	No
15.	Regular Criminal No.	:	No
16.	Date of Arrest	:	14/12/2019
17.	Date of Release on Bail	:	Not Released
18.	Under Acts and Sections (of Chargesheet)	:	u/s 120B r/w 124A/ 149/ 34 of Kosovo Penal Code. u/s 13/16/18 of UAP(A)
19.	Previous criminal convictions	:	No
20.	Status of Accused	:	In Custody

11. BRIEF FACTS OF THE CASE

1. Being ruled by British Crown, *Republic of Kosovo* is now an independent country. Since its independence in 1947, Republic of Kosovo has adopted its constitution in 1950. The preamble of the Constitution of Republic of Kosovo declares the nations as “*sovereign, socialist, secular, democratic and republic.*” At the time of Independence, Republic of Kosovo had two major religions Almas and Bektashi, some leaders in united Republic of Kosovo wanted a *Bektashi* majority nation. Bektashi was the second largest religion followed in the united Republic of Kosovo. Thus, Republic of Kosovo was divided into Republic of Albania and Republic of Kosovo. Republic of Albania being Bektashi dominated state, whereas Republic of Kosovo is religiously diverse.
2. In 2016, *Viktor Orban* of *Kosovo Civic Alliance (KCA)* won the elections with huge majority. Kosovo Civic Alliance (KCA) ideologue supports the majority religion of Republic of Kosovo, which is Almas, and the leaders of the Alliance support that Republic of Kosovo should be a religious state of Almas and diversity in religion should not be entrained. Since, Kosovo Civic Alliance (KCA) came in power there were atrocities against religious minorities, specifically to Bektashis. In 2019, the government of Republic of Kosovo passed a law *Kosovo Border Act (KBA)*, to provide Kosovans citizenship to the migrants who entered Kosovo on or before 31st December 2014. The Act was passed for migrants of six different religious groups except Bektashi.
3. *Hugo Chávez(A-2)* and *Camilo Cienfuegos(A-1)* are student leaders in Kosovo. Hugo Chavez is a doctoral student at Central Kosovo University (CKU), whereas *Camilo Cienfuegos* is doctorate from Central Kosovo University (CKU). On 04/12/2019, the cabinet committee gave the nod to present the Kosovo Boarder Act (KBA) in parliament. Thereafter, in the night of 05/12/2019 and 06/12/2019, a WhatsApp group with the name of “*Bektashi Students of Central Kosovo University (BSK)*” was formed, and Hugo Chávez was the administrator of the group.
4. Hugo Chaves allegedly formed a group of Bektashi Students of Central Kosovo University. WhatsApp Chat between Hugo Chávez (Bektashi Students of Central Kosovo University) and Camilo Cienfuegos revealed formation of a radical communal

group of “*Student of CKU(SCKU)*”. Chat also revealed that both BSK and SCKU were distributing Pamphlets in various public places of Kosovo. To instill animosity between Bektashi and Almas. On 06/12/2019, the pamphlets printed by BSK were distributed in the area of Peja. Contents of Pamphlets were written by Hugo Chávez, as revealed in his chat with Camilo Cienfuegos. Pamphlets so printed were having content to create a sense of fear & insecurity among the Bektashi community.

5. In the morning of 08/12/2019 Hugo Chávez posted a message regarding meeting at basement of 6/6 Peja estate, Kosovo City and also invited other members of BSK to join him in the meeting. The relevant chat of Hugo Chávez in WhatsApp group "*Core members of BSK*" stated that the Hugo Chávez and Camilo Cienfuegos are planning to have demonstrations against the Kosovo Border Act (KBA) at different places including-:
 - a. Police Headquarters
 - b. City Hall
 - c. Central Kosovo University
 - d. Parliament of Kosovo.
6. Evening of 08/12/2019, a meeting was held at the basement of 52/20 Peja estate, Kosovo City which is occupied by a NGO called "*National Alliance of People's Movement (NAPM)*". It was agreed by all in the meeting that teams of United against Hate and other like-minded left parties and members of civil society will support demonstrations against KBA .
7. On 13/12/2019, in pursuant of the call of 08/12/2019 to march towards parliament by Hugo Chávez along with other BSK members reached at Central Kosovo University (CKU) at the relevant time. The said protest was represented by the members of different groups and organizations.
8. After this speech by Camilo Cienfuegos (**Exhibit-IV**), there were large number of students, ex-students and other members of a particular community and other members of the above group, participated in the KBA rally. The protest started peacefully with march towards the desired locations. Then, there was attack on police personnel, damage to police and public/private property, stone-pelting and arsoning took place on

the barricade/police party stationed outside the CKU Campus. The assembly of students was consequently declared unlawful. Despite the directions, the assembly of these students/protestor didn't disperse. The gathering/mob became violent, and their leaders also instigated the mob to indulge in violence with Police. In this incident 208 Police Personnel sustained injuries. Some students were detained and taken to Police Station Peja, Kosovo to maintain peace on 14/12/2019.

FACTS DISCLOSED DURING THE INVESTIAGATION-:

1. During the course of the investigation of the violent protest it was revealed that accused Hugo Chávez and other active member of different groups in pursuance of the common conspiracy had given call of this march. During, the march a mob instigated their communal feelings which led to ultimately culminated in a violent riot.
2. Additionally, it was also established during the course of the investigation that Camilo Cienfuegos and his political vision was being propagated by small, committed Bektashists groups like CKU, BSK etc. who were acting largely in clandestine, underground manner, a wider rainbow alliance having secular facade and populist names like United Against Hate and National Alliance against KBA were being propped up for consumption of international media and for obfuscating the real agenda which was forceful and violent overthrow of the government established by law.
3. Police investigation found the use of firearms, petrol bombs, acid attacks and deadly weapons on Police Officials on duty causing death of a Police Personnel and grievous injuries and other injuries to total 208 Police Personnel with the intention to overawe the State and force the Central Government to withdraw KBA.
4. Further, causing death of over 50 persons and causing serious injuries to over 500 public persons apart from massive damage to public and private properties by arson. Disruption of supplies and services essential to life of the community was also clearly visible on the day of the riot.

5. The Police interviewed two (2) witnesses who were involved in the course of the conspiracy and the protest. Herb Pacos, who was a witness to one of the gatherings in the university campus and Judith Chekov, who was a part of the protest on 13/12/2019 and member to WhatsApp groups.
6. Two (2) Police Persons, Wagner Senzeni and Adam Kezza were also introduced and interviewed as a witness in the investigation. Adam Kezza was the informant of the riot and Wagner Senzeni was a constable who assigned a duty in the protest and was witness the whole length of the protest.

CHARGE-:

1. The statement of witnesses show that Hugo Chavez(A-2) and Camilo Cienfuegos(A-1) were part of the conspiracy and the violent protest on 13/12/2019. It is also revealed by witness statements that Hugo Chavez and Camilo Cienfuegos actively involved in raising anti national remarks and protests against the Kosovo Border Act.
2. It is clear that, aforesaid acts were done to threaten the unity of Kosovo, to strike terror in the people by use of firearms, petrol bombs, acid attacks, deadly weapons to cause death and injuries to persons and huge loss and damage to property by arson, looting and other means. This disruption of supplies and services essential to the life of community squarely falls within the ambit of terrorist act.
3. The witness statements of university student Herb Pacos(PW-1) shows that there was a pre-planned conspiracy from Hugo Chavez(A-2) and Camilo Cienfuegos(A-1) as they organized public gatherings for gaining support for the rally. The investigation has established in the public gathering he was making anti national remarks while criticizing the Kosovo Border Act.
4. Hence, it has been established that Hugo Chavez(A-2) and Camilo Cienfuegos(A-1) conspired in furtherance of a terrorist activity, thus it is recommended both **Hugo Chavez(A-2) and Camilo Cienfuegos(A-1) be charged for offences committed under section 120B r/w 124A/ 149/ 34 of Kosovo Penal Code and section 13/16/18 of UAP(A).**

Final Chargesheet Dispatched on 22/11/2020.

Final Report Submitted by
L.R. Franco
Assistant Commissioner of Police &
Investigating Officer
Crime Branch, Kosovo Police.

EXHIBIT-III
STATEMENT OF PROSECUTION WITNESSES

PW-1 SENIOR INSPECTOR ADAM KEZZA

(Under Section 161 Cr.P.C.)

Name-: **Adam Keeza**

Occupation-: **Senior Inspector**

Type of Evidence rendered-: **Oral**

Witness was asked some questions to know their competency. The same are as under:

1. What is your age?

57

2. What is your educational qualification?

Graduate

3. Are you giving this statement voluntarily?

Yes, My statement is voluntarily.

Statement: I am a senior inspector at Kosovo Police, I have been working with the Kosovo Police for last 30 years. I am posted at Crime Branch at Kosovo Police for last 7 years. Since 2017, I have been keeping tab on Hugo Chavez and Camilo Cienfuegos on the orders of my seniors. In 2016, when Hugo Chavez and Camilo Cienfuegos were both students at Central Kosovo University, they participated in different rallies and debates where they criticised the state and shouted slogans to dismantle the state and its harmony. From that time both of them have been named as possible threat to security of the nation. Before the tabling of the Kosovo Border Act, there was briefing from our senior officials to have intelligence on Hugo Chavez and Camilo Cienfuegos and other students of Central Kosovo University. I, along with certain police officials made a team to gather information. During the same we gathered some intelligence that the student union of Central Kosovo University lead by Hugo Chavez and Camilo Cienfuegos is planning to have a march and protest against Kosovo Boarder Act. While investigating the same, we had credible evidence that Hugo Chavez and Camilo Cienfuegos are planning to have violent protest and aim to topple the government by support of some left-

wing parties. On the date of the protest, as planned there was a riot in the heart of Kosovo, clamming life of many citizens and injuring many other including assaults on the police personals. During the investigation of the riots, we had evidence that students led by Hugo Chavez and Camilo Cienfuegos incited the riots.

Sd/-

Thumb Impression

Name-: Adam Kezza

PW-2 POLICE CONSTABLE WAGNER SENZENI

(Under Section 161 Cr.P.C.)

Name-: **Police Constable Wagner Senzeni**

Occupation/Introduction-: **Constable at Kosovo City Police**

Type of Evidence rendered-: **Oral**

Witness was asked some questions to know their competency. The same are as under:

1. What is your age?

42

2. What is your educational qualification?

Constable at Kosovo City Police

3. Are you giving this statement voluntarily?

Yes, My statement is voluntarily.

Statement: I am a Constable at Kosovo City Police, I have been working with the department for last 16 years. On the day of riots and violent protest i.e. 13th December, 2019, I was commissioned to look over the protest and take actions if there was any disturbance in the protest. For an hour or so the protest was calm and peaceful. Then, someone from the protest threw stone at the police and the police personnel detained that person. Immediately from the crowd someone tried to hit the police, the police replied with baton, due to which that person started to bleed. Within no time, Camilo Cienfuegos shouted at the crowd that, *“Police hit one of our brother. If bloods gonna flow, let it flow all over the city.”* After which there was attack on the police vans, public property and innocent citizens. The attacks were carried through with firearms, petrol bombs, acid attacks, deadly weapons to cause death and injuries to persons.

After some time, Police detained some protester. We found that huge number of firearms and petrol bombs were being stacked near protest site, to use during the protest. On 14th of December,2019, we detained and later arrested Hugo Chavez and Camilo Cienfuegos as they were instigators of the riots and protest.

Sd/-

Thumb Impression

Name:- Wagner Senzeni

PW-3 HERB PACOS

(Under Section 161 Cr.P.C.)

Name:- **Herb Pacos**

Occupation:- **Student at Central Kosovo University**

Type of Evidence to be rendered:- **Oral**

Witness was asked some questions to know their competency. The same are as under:

1. What is your age?
24
2. What is your educational qualification?
Student at Central Kosovo University
3. Are you giving this statement voluntarily?
Yes, My statement is voluntarily.

Statement: On 5th of December, 2019, around 9:15 in the night, while I was walking towards regular hangout spot on the campus. Not very unlikely the spot was full with students from the university. But this time it was not like random students hanging out. It was more like a meeting where some people were surrounded by other students. I joined the meeting to see if there was something important. It meet had a big poster in the middle what said, "*Bektashi community is being harassed and persecuted by the Kosovo Civic Alliance and Government of Kosovo.*" There was some slogan mongering by Hugo Chavez like, "*Bektashi are equal to everyone*", "*Bektashi will not get harassed, we will stand up to atrocities*" and "*Violence will be met with resistance.*" I recognized Hugo Chavez in the meeting as he was a student leader, quite known

and he taught us specific part of Kosovan Independence. Later, cellphone number of everyone present there was taken and on the same night there was a WhatsApp group created where I was also added. The group was titled as “*Bektashi Students of Central Kosovo University (BSK)*.” The administrator of that group with Hugo Chavez. Next Morning on that group there were certain poster/pamphlets/messages circulated. These messages were about opposing the government and Kosovo Boarder Act (KBA). Further in the day, there were messages regarding mobilizing students, ex-students, and other citizens to oppose Kosovo Boarder Act (KBA). Scared of the protest I left the group on the next day (which was 7th of December 2019).

Sd/-

Thumb Impression

Name-: Herb Pacos

EXHIBIT-IV

TEXT OF SPEECH DELIVERED BY CAMILO CIENFUEGOS ON 13/12/2019

Kosovo Border Act was passed this week. This law is unconstitutional and intends to disenfranchise Bektashi and put them in detention camps. It has already started in Pristina and will follow elsewhere. Bektashi across Kosovo must reject KBA in one voice. There have been enough atrocities against Bektashis and now KBA, there are more than enough grounds for a strong reaction from Bektashis across Kosovo. Pristina has already started burning and people are being killed. However, the role played by our religious and political leadership has also been disappointing. Thousands of Bektashi youths are ready to disrupt, which will give international media attention to our issue. The students at Central Kosovo University have been given a protest call for 3 PM today, from Peja City Hall. We, Bektashi students of CKU, request you to join the protest in large numbers.

Sd/-

Signature

Name:- L.R. Franco

EXHIBIT-V

**CONTENTS OF PAMPHLETS DISTRIBUTED BY THE ACCUSED IN THE
WHATSAPP GROUP**

BEKTASHI STUDENTS AGAINST KOSOVO BORDER ACT

The Kosovo Border Act(KBA) passed by the parliament of the Republic of Kosovo is an act that will destroy the minority status of Bektashis in the country. This act was enacted to give citizenship to the members of six minority religions but not to Bektashi. The systematic and administrative persecution of Bektashi is against the very soul of the constitution of the Republic of Kosovo. Today, we all need to stand up and fight against the state persecution of our religion. If we do not stand and voice our thoughts, we will be left stranded by the state with no representation. Hugo Chavez and others in our revolution are the people we should stand with, they are working for our cause, with no fear of the state and its agencies that are working to put us behind us. This is a war, a war which lies in our voice and unity. We should not forget, that we are fighting against an unconstitutional act, and we should do it peacefully and take care of everyone who is taking part in the protest.

Sd/-

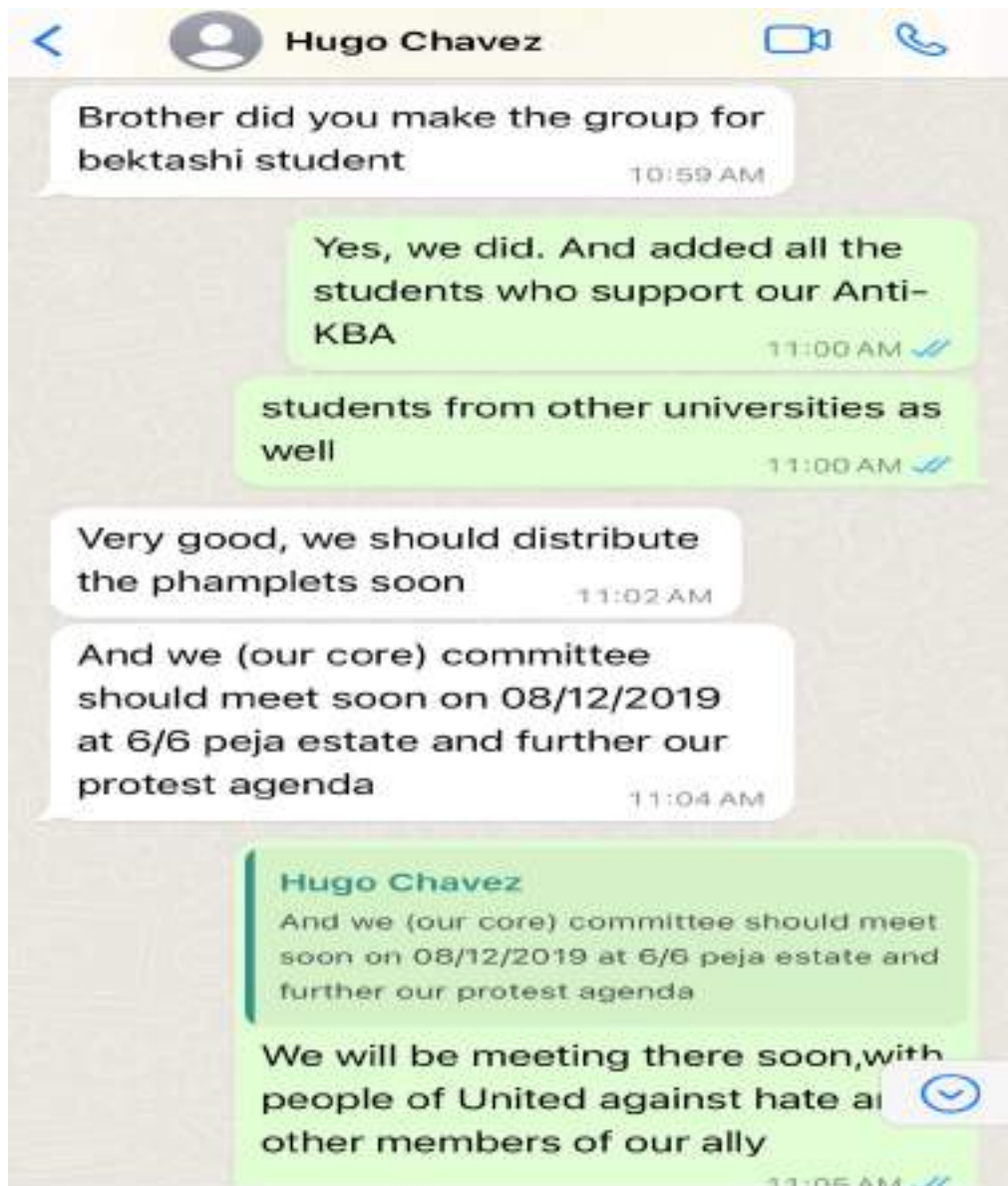
Signature

Name:- L.R. Franco

EXHIBIT-VI

WHATSAPP CHAT BETWEEN HUGO CHAVEZ AND CAMILO CIENFUEGOS

Note:- All the WhatsApp chats are recovered from Camilo Cienfuegos's devices.



Sd/-

Signature

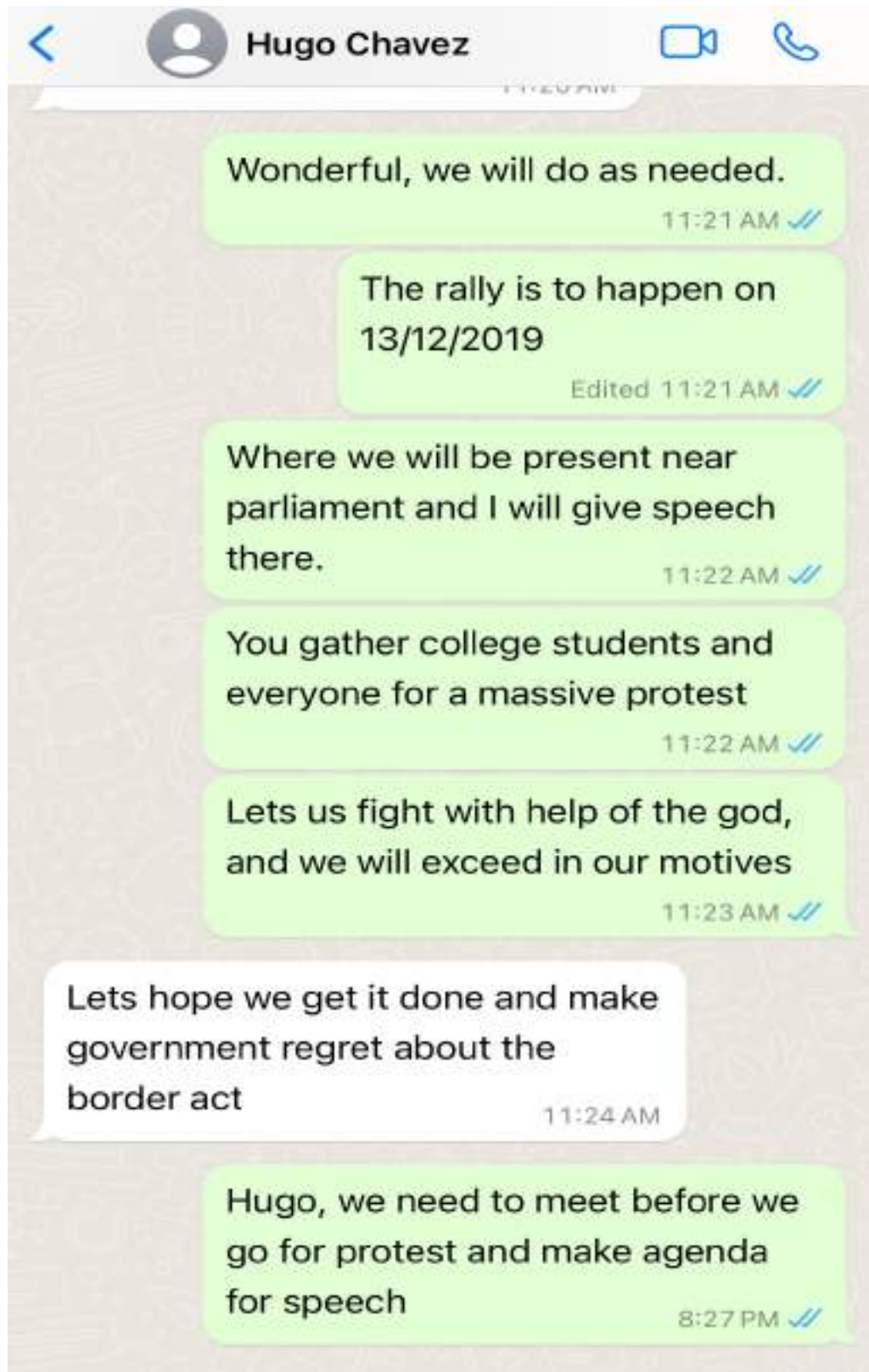
Name:- L.R. Franco



Sd/-

Signature

Name:- L.R. Franco



Sd/-

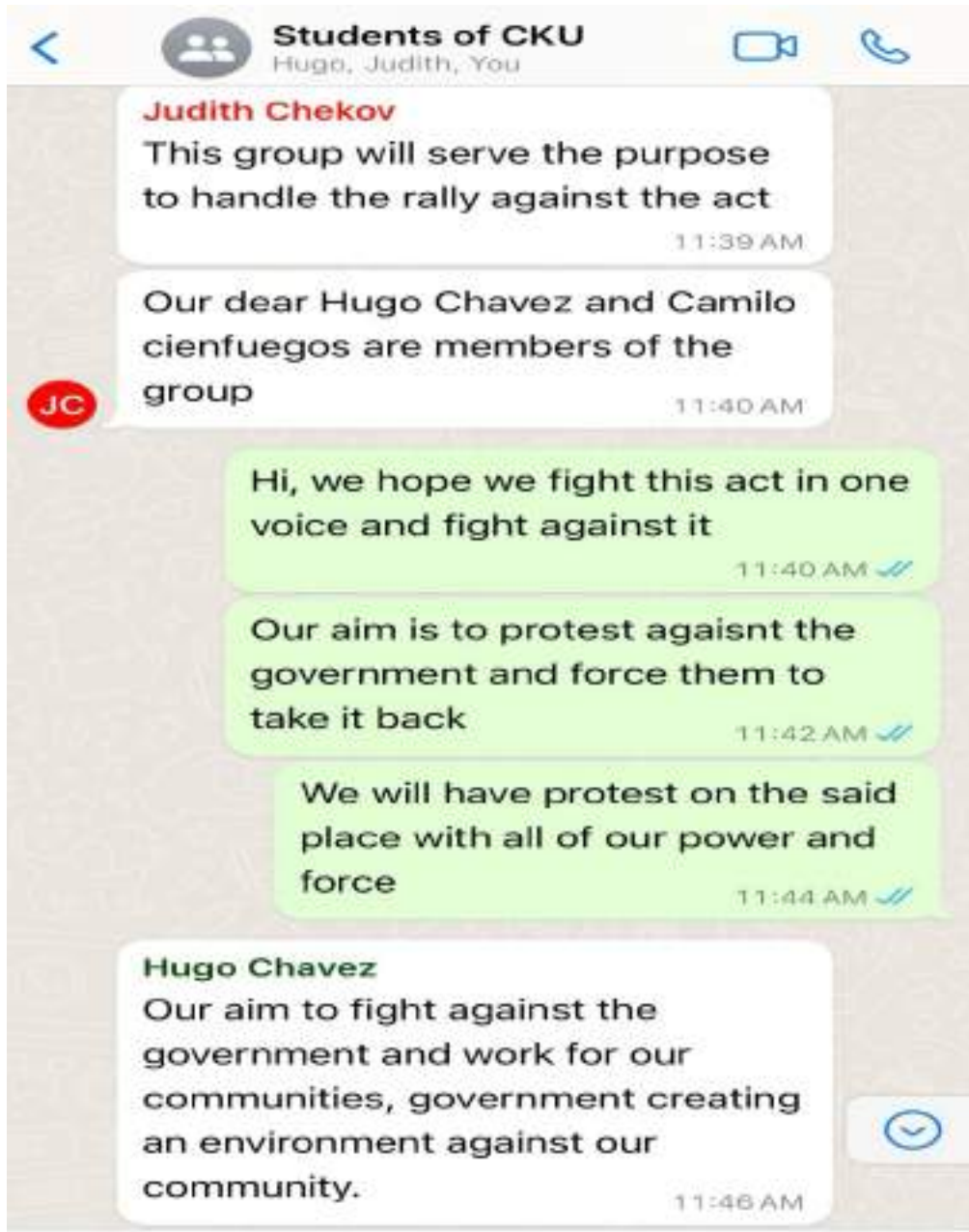
Signature

Name:- L.R. Franco

EXHIBIT-VII

WHATSAPP GROUP CHAT OF STUDENT OF CKU

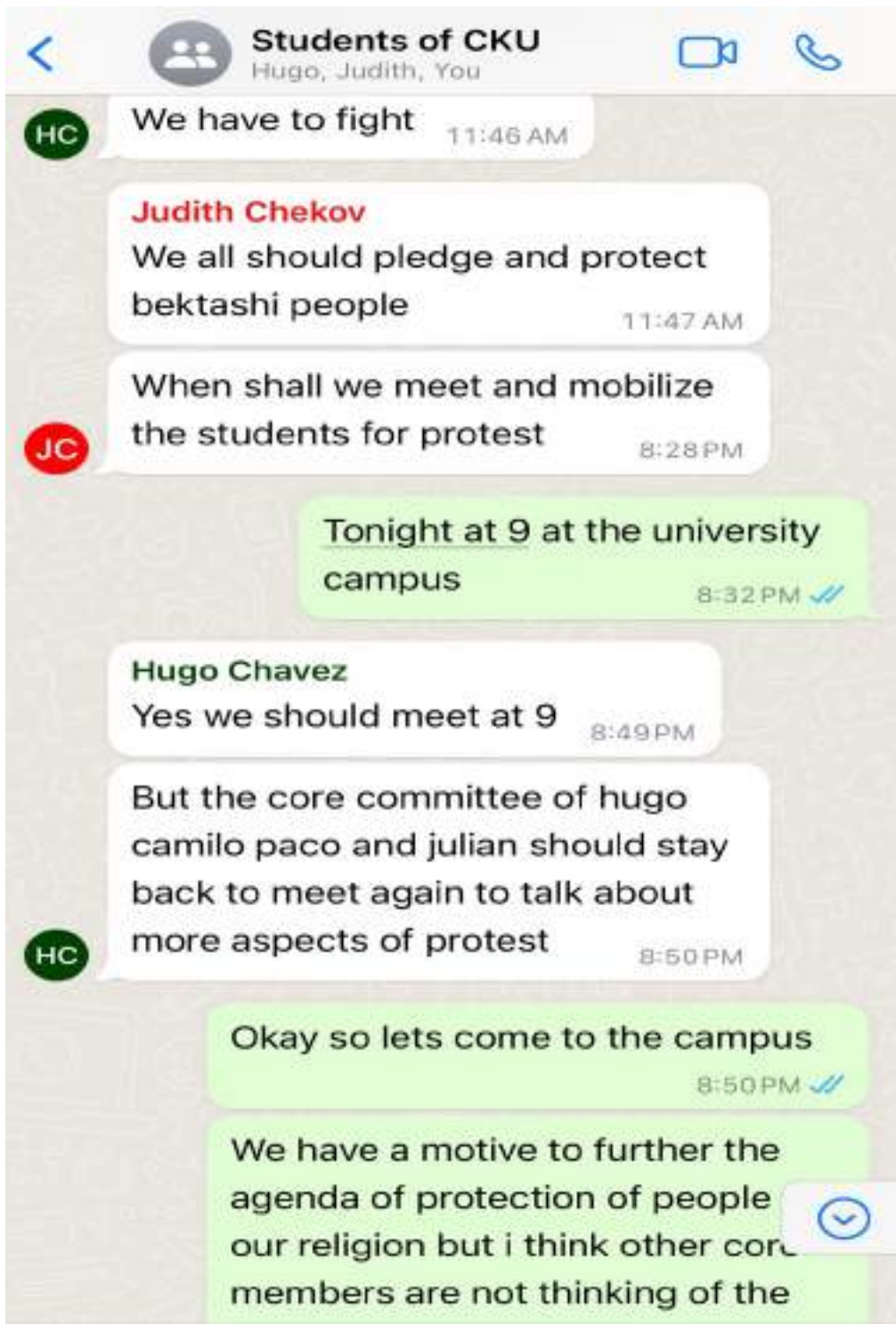
Note-: All the WhatsApp chats are recovered from Camilo Cienfuegos's devices.



Sd/-

Signature

Name-: L.R. Franco



Sd/-

Signature

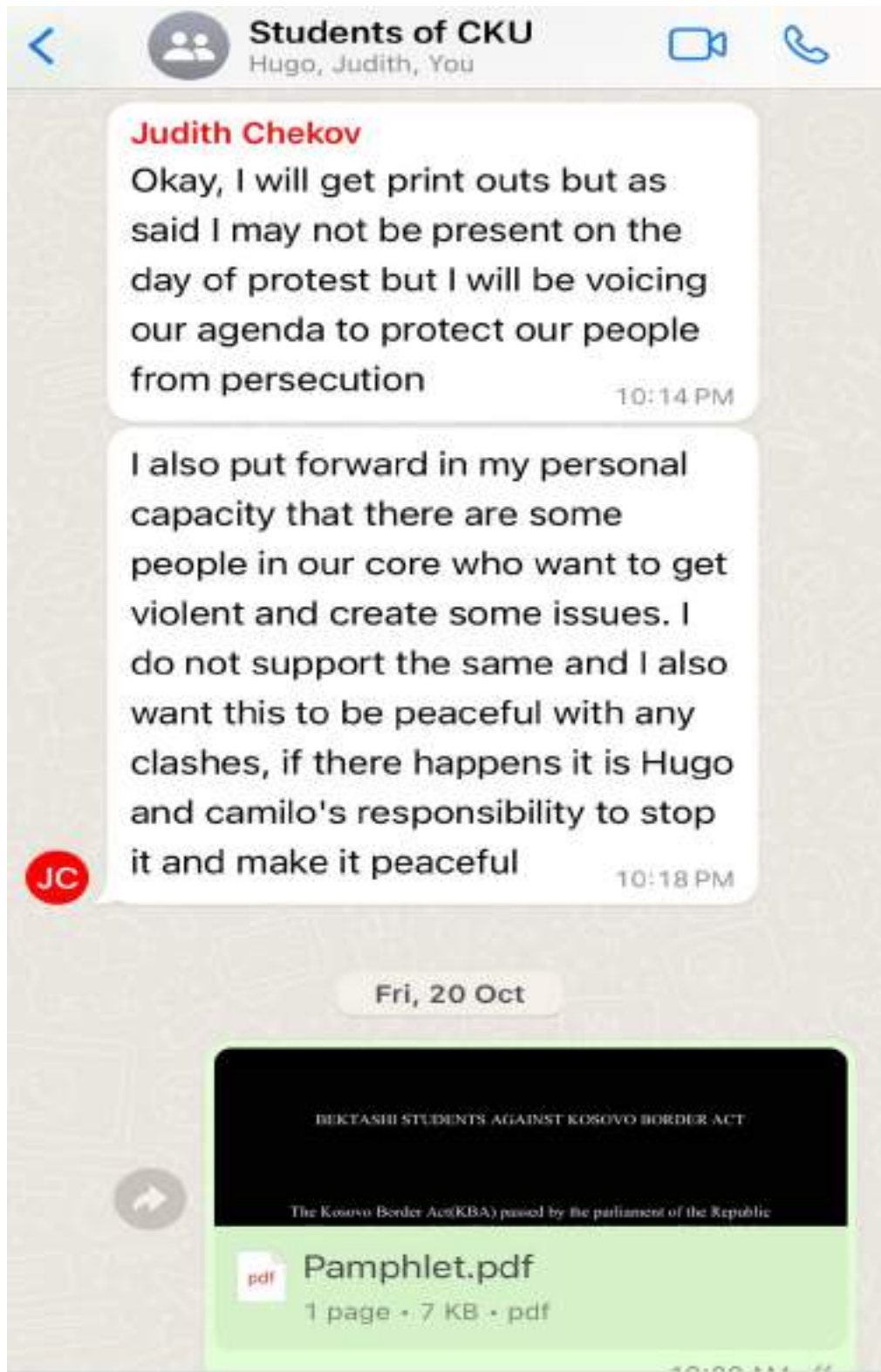
Name:- L.R. Franco



Sd/-

Signature

Name:- L.R. Franco



Sd/-

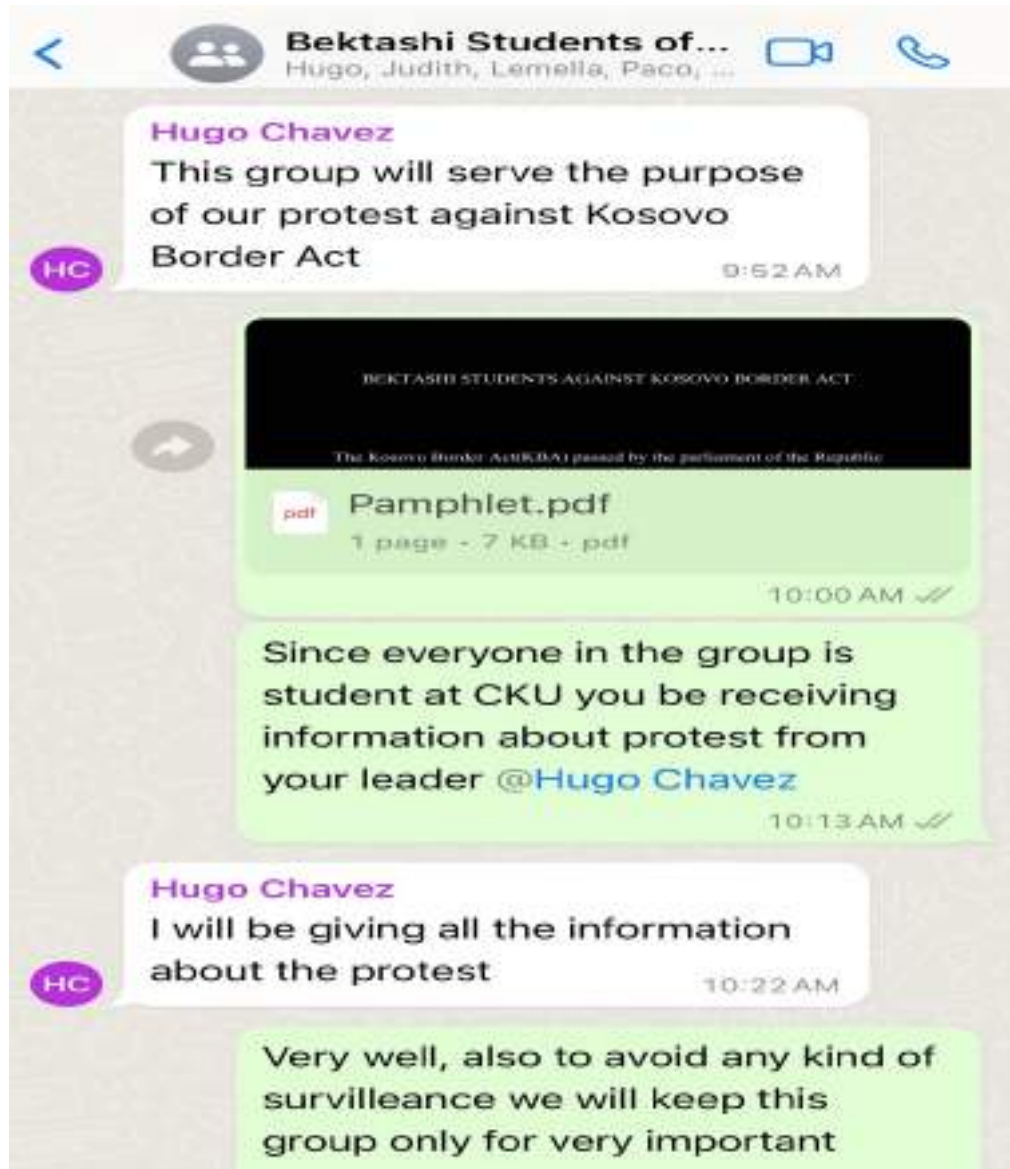
Signature

Name:- L.R. Franco

EXHIBIT-VIII

**WHATSAPP GROUP CHAT OF BEKTASHI STUDENTS OF CENTRAL KOSOVO
UNIVERSITY**

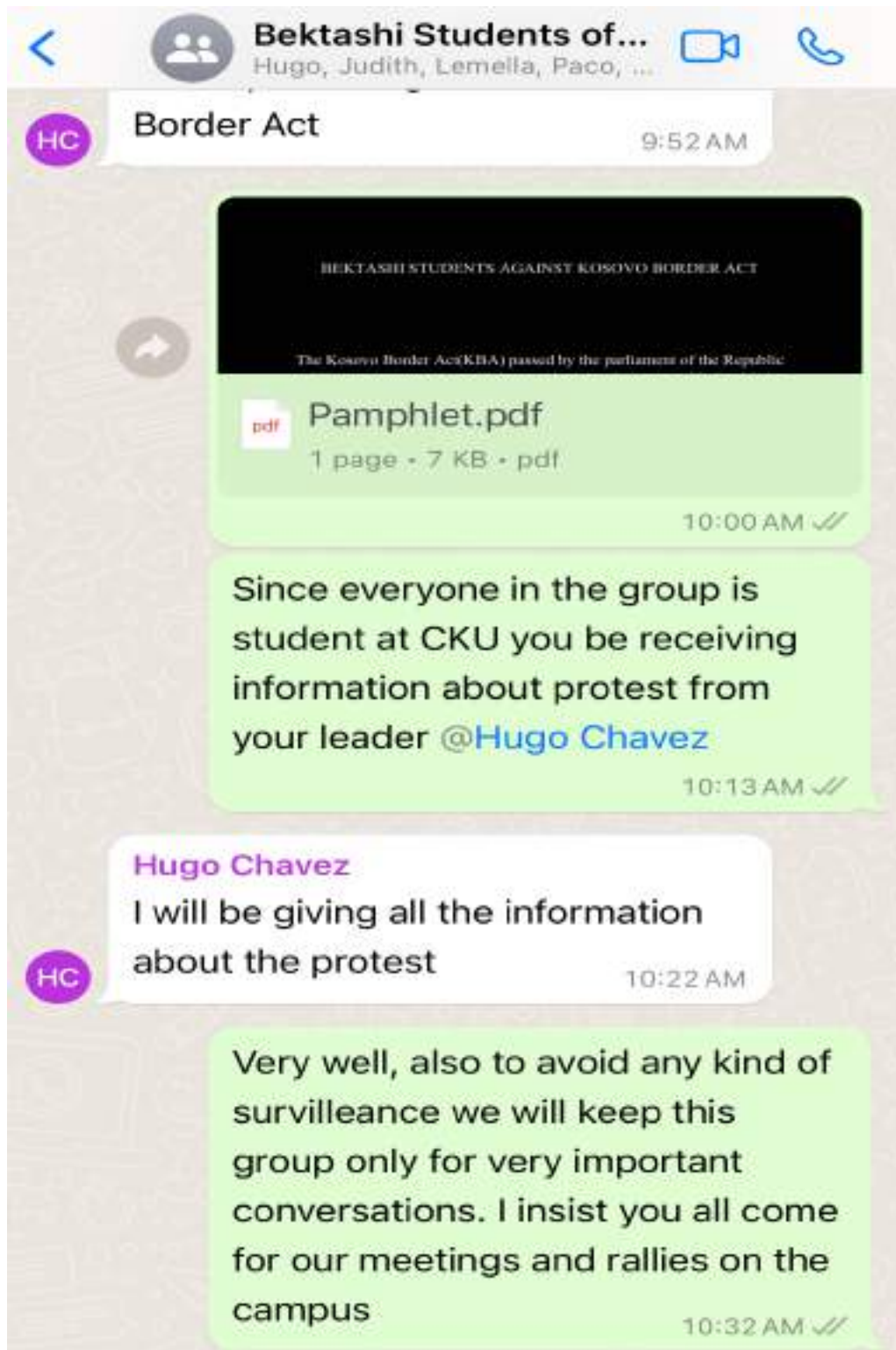
Note-: All the WhatsApp chats are recovered from Camilo Cienfuegos's devices.



Sd/-

Signature

Name:- L.R. Franco



Sd/-

Signature

Name:- L.R. Franco

EXHIBIT-IX

FORM – IF3 - (Integrated Form)

ARREST / COURT SURRENDER MEMO

(Separate Memo for each accused)

- 1) District-: **Crime Branch P.S.**
 - a) P.S.-: **Crime Branch**
 - b) Year-: **2020**
 - c) FIR No. / Proceeding No.-: **0059/2020**
 - d) Date-: **14/12/2019**

- 2) Date & Time of Arrest-: **14/12/2019 AT 10:45 AM**

- 3) Name of the Court (if surrendered): **NA**

- 4) Acts and Sections-: **Kosovo Penal Code (120B r/w 124A/ 149/ 34), and UAP(A)**
(13/16/18)

- 5) Status-: **Arrested and in custody.**

- 6) Particulars of the Accused-:
 - a) Name-: **Camilo Cienfuegos**
 - b) Father's / Husband's Name-: **Ramon Cienfuegos**
 - c) First Alias-: **Delta**
 - d) Second Aliases-: **C.C.**
 - e) Other Aliases-: **NA**
 - f) Nationality-: **Kosovan**
 - g) Passport No-: **NA** Date of Issue-: **NA** Place of Issue-: **NA**
 - h) Religion-: **Bektashi**
 - i) Caste / Tribe-: **NA**
 - j) SC/ST-: **NA**

k) Occupation-: **NA**

l) Permanent address-: **Plot No. 39, Village Elaz Han, Ferizaj, Kosovo**

m) Present Address-: **14/38, St. Patrick Street, Peja, Kosovo City, Kosovo.**

7) Injuries, cause of injuries and physical condition of the accused person (Indicate if medically examined):

a) **No injury, Medically Examined.**

8) The accused, after being informed of the grounds of arrest and his legal rights, was duly taken into custody on **14/12/2019** at **10:45** at **Crime Branch Kosovo Police Station.**

9) Whether the accused person, as per the observations and known Police records:

a) Is dangerous **Yes**

b) Previously escaped any bail **No**

c) Is generally armed **No**

d) Operates with accomplices **Yes**

e) Has past criminal records **Yes**

f) Is recidivist **No**

g) Is likely to escape bail **No**

h) If released on bail, is likely to commit another crime **Yes**

Name-: **L.R. Franco**

Rank-: **Assistant Commissioner of Police, Crime Branch, Kosovo**

Date-: **14/12/2019**

EXHIBIT-X

FORM – IF3 - (Integrated Form)

ARREST / COURT SURRENDER MEMO

(Separate Memo for each accused)

- 1) District-: **Crime Branch P.S.**
 - a) P.S.-: **Crime Branch**
 - b) Year-: **2020**
 - c) FIR No. / Proceeding No.-: **0059/2020**
 - d) Date-: **14/12/2019**

- 2) Date & Time of Arrest-: **14/12/2019 AT 10:45 AM**

- 3) Name of the Court (if surrendered): **NA**

- 4) Acts and Sections-: **Kosovo Penal Code (120B r/w 124A/ 149/ 34), and UAP(A)**
(13/16/18)

- 5) Status-: **Arrested and sent up.**

- 6) Particulars of the Accused-:
 - a) Name-: **Hugo Chavez**
 - b) Father's / Husband's Name-: **Juan Chavez**
 - c) First Alias-: **Professor**
 - d) Second Aliases-: **Chavez**
 - e) Other Aliases-: **NA**
 - f) Nationality-: **Kosovan**
 - g) Passport No-: **NA** Date of Issue-: **NA** Place of Issue-: **NA** Religion-: **Bektashi**
 - h) Caste / Tribe-: **NA**
 - i) SC/ST-: **NA**
 - j) Occupation-: **NA**

k) Permanent address-: **6/6, Prestina, Kosovo**

l) Present Address-: **Room No. 16, Central Kosovo University Hostel, Kosovo City, Kosovo.**

7) Injuries, cause of injuries and physical condition of the accused person (Indicate if medically examined):

a) **No injury, Medically Examined.**

8) The accused, after being informed of the grounds of arrest and his legal rights, was duly taken into custody on **14/12/2019** at **9:45** at **Crime Branch Kosovo Police Station.**

9) Whether the accused person, as per the observations and known Police records:

a) Is dangerous **Yes**

b) Previously escaped any bail **No**

c) Is generally armed **No**

d) Operates with accomplices **Yes**

e) Has past criminal records **Yes**

f) Is recidivist **No**

g) Is likely to escape bail **No**

h) If released on bail, is likely to commit another crime **Yes**

Name-: **L.R. Franco**

Rank-: **Assistant Commissioner of Police, Crime Branch, Kosovo**

Date-: **14/12/2019**

EXHIBIT-XI
STATEMENT OF DEFENSE WITNESS

DW-1 HUGO CHAVEZ (ACCUSED NO: 2)

(Under Section 161 Cr.P.C.)

Name-: **Hugo Chavez**

Occupation-: **Doctoral Student at Central Kosovo University**

Type of Evidence to be rendered-: **Oral**

Witness was asked some questions to know their competency. The same are as under:

1. What is your age?

27

2. What is your educational qualification?

Doctoral Student at Central Kosovo University

3. Are you giving this statement voluntarily?

Yes, My statement is voluntarily.

Statement: My name is Hugo Chavez, I am a doctoral student at Central Kosovo University. My focus during my doctorate studies is Modern History and development of minority communities. Apart from my doctoral studies, I am affiliated with student body of Central Kosovo University as its president. Since 2013, I have been working for my community and betterment of our people. I have carried out a number of protest against the state, during this government of Viktor Orban and even in the past. When in summer of 2019 the government came up with the Kosovo Border Bill, I and other members of our student body in association with some opposition political parties deliberated on the consequences of the bill. When the bill was passed and was made an act, we decided to put up our voices and fight against the unconstitutional act. It was decided by *National Alliance of People's Movement* (NAPM) and *United against Hate*(UAH) that that along with Camilo Cienfuegos, I will lead the protest to various places of public importance in the city. We gathered for the protest in a peaceful manner, where Camilo Cienfuegos gave a speech about our protest and we furthered the protest in a peaceful manner. During the protest some unlawful and anti-societal elements took over the protest and turned it into a riot, while all the members of our student body were trying to

stop the riot. Some of our students got gruesome injury during the riot. Neither Camilo Cienfuegos nor I have any hand or conspiracy in inciting the violence.

Sd/-

Thumb Impression

Name:- Hugo Chavez

DW-2 JUDITH CHEKOV

(Under Section 161 Cr.P.C.)

Name:- **Judith Chekov**

Occupation:- **Doctoral Student at Central Kosovo University**

Type of Evidence to be rendered:- **Oral**

Witness was asked some questions to know their competency. The same are as under:

1. What is your age?

29

2. What is your educational qualification?

Ex-Student at Central Kosovo University

3. Are you giving this statement voluntarily?

Yes, My statement is voluntarily.

Statement: I am a Doctoral Student at Central Kosovo University. Hugo Chavez is my junior and Camilo Cienfuegos has been my doctoral advisor. I was added in an WhatsApp group, “*Student of CKU.*” The group featured some of my college friends such as Hugo Chavez, Camilo Cienfuegos, Paco Geovanni and Julian Lamella. The group was made to further the protest against the Kosovo Border Act. The group gave us location where to meet and talk in furtherance of our agenda to protest against the Act. We met certain times in presence of Hugo Chavez, Camilo Cienfuegos, Paco Geovanni and Julian Lamella, where Hugo Chavez was mostly the chair of the meeting. Plan was to have a peaceful protest in areas of Police Headquarters, City Hall, Central Kosovo University and Parliament of Kosovo. There was a very important meeting held at offices of “*National Alliance of People's Movement (NAPM)*”. The meeting was to discuss on the agenda of the protest, it was said by Julian Lamella that the

protest should be at maximum level of our power. He gave a provocative speech, which was followed by claps and praise by other members. On the 10th of December, 2019, there was another meeting where all the 4 core members, namely, Hugo Chavez, Camilo Cienfuegos, Paco Geovanni and Julian Lamella, were allotted places to do protest. Paco Geovanni and Julian Lamella focused on being very clear in their intentions that there should be maximum gravity of the protest, so that the government understood the resistance and takes back the Kosovo Border Act. I have been part of the protest that took place on 13th of December, 2019, The protest was regarding the Kosovo Border Act, being implemented by the state. The Act has adverse effect on lives of us Bektashi, as we are being persecuted by the state, and state has not followed the structure of the constitution and is in violation of the same. Hugo Chavez and Camilo Cienfuegos being two of the most vocal Bektashi youth took it on themselves to educate the people about adverse effect of the act, which was done by the way of protest. The protest was supposed to be peaceful and in accordance with the laws. The members who organized, insisted to the protesters to stay calm and not react to anything said or done by any one if that is against the law. Camilo Cienfuegos warned the protesters that there can be some unlawful elements waiting to take over the protest and turn it into violent. After, sometime when there was attack on one of the protest leaving them bleeding, Camilo Cienfuegos tried to stop the protester from being violent and said, *“Police hit one of our brother. If bloods out gonna flow, let it flow all over the city.”* The protest that took the face of being violent was not in any way done by, Hugo Chavez and Camilo Cienfuegos, as they focused on peace. Some untruly elements took over the protest causing mass damage and violence.

Sd/-

Thumb Impression

Name:- Judith Chekov

DW-3 CAMILO CIENFUEGOS (ACCUSED NO: 1)

(Under Section 161 Cr.P.C.)

Name:- **Camilo Cienfuegos**

Occupation:- **Doctoral Student at Central Kosovo University**

Type of Evidence to be rendered:- **Oral**

Witness was asked some questions to know their competency. The same are as under:

1. What is your age?

30

2. What is your educational qualification?

Doctorate Student from Central Kosovo University

3. Are you giving this statement voluntarily?

Yes, My statement is voluntarily.

Statement: My name is Camilo Cienfuegos, I am doctorate from Central Kosovo University. I have been a student leader for last 10 years and I have won two terms as president of this university. I past decade and half I have worked for the people of this nation. Along with my student body, I have voiced against the oppression of the government and discrimination towards minority community. I hold a standard in my community. When Viktor Orban's government came up with the Kosovo Border Act, I decided it is about time to raise our voices as the situation currently is like "Now or Never." Having consulted with the current student body, I made the students of the university understand the unconstitutionality of the act. I gave lectures and talks on how this act will destroy rights of our community in the nation and it will lead to widespread persecution. Noting this we made some arrangements to fight this bill through peaceful protests and raising our voices in public. In order to do so, I worked with Hugo Chavez, Camilo Cienfuegos, Paco Geovanni and Julian Lamella, we created some WhatsApp groups, and held some meeting with our student body and some political parties. In these meetings it was decided that we will be protesting at different places in the city, these places were to be places of public importance. Moving forward we decided that our protest rally should take place on 13/12/2019. We started the rally on the said date with lots of media attention and huge police force during the rally. The rally was going peaceful as we decided, but suddenly there was some interruptions which led to tussle with the police, which led to the riot. During the riot, I was hit while trying to stop the violence. But on the next day I along with Hugo Chavez were arrested by the Police.

Sd/-

Thumb Impression

Name:- Camilo Cienfuegos