

Press Briefing Notes

17 April 2007

Transcript of press briefing by Special Prosecutor Robert Dean on his Interim Report to the SRSG regarding the deaths and serious wounding of protestors during the 10 February 2007 demonstration in Pristina

UNMIK Press Centre, Pristina

Good Afternoon – and thank you for coming in. I want to discuss with you this afternoon the progress of the investigation of the task force that is investigating the 10 February 2007 protest shootings.

Earlier today, I submitted to the SRSG, Mr. Rücker, my interim report regarding the investigation into the deaths and serious wounding of protestors during the 10 February demonstrations in Pristina. By interim report I mean that the report is not final. The investigation is continuing. But I do want to give you certain details on the progress of the investigation, and two months into the investigation appeared to be the appropriate timeframe.

I completed the interim report yesterday evening after receiving the first police report which is a comprehensive summary of two months of investigation by the task force.

The interim report is 10 pages in length and copies have been prepared for you. The interim report is now in translation but I did not want to delay this press conference. The police report that I just mentioned is longer – it is about 60 pages plus attachments. I will not read the interim report to you, but I will give you certain highlights. I will then take some questions. I hope you will then take the opportunity to read the report.

The interim report to the SRSG contains an introduction, legal considerations, which I think are very important, the investigative steps that have been taken, the results of those steps, conclusions, and continuing investigative efforts that we have planned.

I urge you to read the report as it will address many of your questions. You will also have access to the police report through the Division of Public Information.

As many of you know, the investigation is divided into two main parts: One has to do with the criminal liability of any particular police officer involved in the shootings that

day; this first part is what the task force has focused on up until now and is what the interim report deals with. The second part has to do with the operational planning, the decision making, training and techniques, and the proper use of rubber bullets in crowd control situations.

Now some specifics of the report:

1. The interim report states that there is a substantial basis on which to conclude that Romanian gunners attached to the Romanian Formed Police Unit , FPU, are responsible for the four woundings – two fatal, two serious. This is based upon forensic firearms examination of the projectiles – the rubber bullets that were removed from three victims, two of whom are deceased and one who survived. A fourth victim survived the wounding but the projectile has not been surgically removed. These projectiles are of the type used exclusively by the Romanian gunners. The Romanian gunners utilized three different types of rubber bullets, but only one type, classified as RB1 (which is 18.5 mm), caused the wounds. Fifty-nine rounds of RB1 ammunition were discharged by the Romanian gunners. A total of 10 Romanians with the FPU fired rubber bullets that day. At least eight fired the RB1 rounds.
2. The interim report states that there is a reasonable suspicion that three of the shootings constitute crimes under Kosovo law. Those crimes would be murder and the various types of murder, attempt to commit murder, and inflicting grievous bodily injury. The interim report concludes that at this point the shootings in question appear to be unwarranted and unjustified. Specifically, we reached the conclusion that the deaths of Mon Balaj and Arben Xhelladini, and the wounding of Zenel Zeneli, appear to be unnecessary and avoidable.
3. The interim report states that at the present time there is not sufficient evidence to support a reasonable suspicion as to which specific Romanian gunners were responsible for firing the wounding shots. No formal initiation of judicial investigation under Kosovo law is permitted without reasonable suspicion that a particular individual committed crimes. The evidence does not permit me to conclude that the entire group of Romanian gunners acted unlawfully. The acts of one, two or three in firing the rubber bullets improperly or in a criminal manner — which I think happened — cannot necessarily be imputed to all of the others. Unfortunately, at this time, we are unable to identify with specificity who acted improperly.
4. The task force will continue its investigation. Any further evidence regarding criminal liability of a specific police officer will be pursued and considered. A second area of inquiry regarding police planning, operational command, quality of ammunition, tactics and training, and proper standards of police force in crowd control situations (particularly in usage of rubber bullets) is ongoing and will be the subject of a later report.

5. In my report, in the conclusion section, I state the following:

In light of the above, UNMIK, the United Nations, and the Government of Romania may consider initiating appropriate procedures for compensation for the surviving family members of those fatally shot and for those seriously wounded.

I urge you to read the interim report and take advantage of your access to the police report.

Questions:

Zëri: Mr. Dean, you said in your report [word indistinct] Romanian shooter was identified and questioned, but I don't see the names. Is there any specific reason why you are keeping them secret?

Dean: You have access to the police report, you will see the names.

Koha Ditore: Where are the Romanian police officers now?

Dean: I understand they are in Romania.

Koha Ditore: And have you asked them to come back to Kosovo, sir?

Dean: No.

Koha Ditore: Why is that?

Dean: I see no reason to at this point.

AP: Sir, apart from this compensation that you refer to at the conclusion of your report, what other means will you take into bringing those responsible to basically hold responsibility for this?

Dean: Every legal means that I can and that involves...

AP: Can you please elaborate on this?

Dean: Yes. That involves finding witnesses who will be in a position to make a reliable identification of the shooters. We have spent a good part of the last two months trying to find such witnesses.

Zëri: Could you evaluate the Romanian police cooperation? Was it excellent, was it good, was it bad?

Dean: Up until the point that they left, it appeared to be professional as we have wanted it to be. They provided us with many samples of bullets; they were available for interview and re-interview; and I can't say that about every contingent. Unfortunately, all of the information that I wanted from the Romanians has not been received yet, but while a lot of that comes from, as I understand, Bucharest, and that may even have to come to me through New York, but we are still trying to sort that out. That has to do with records, training records, Romanian standards for use of force and procurement issued about the ammunition, when it was procured and things like that. We were hoping to get it earlier. We haven't gotten it yet.

Question: So far you have mentioned that there are three or four policemen, police officers who can be held responsible. In fact will all those that have ordered them to shoot be held responsible or only the policemen or the police officers shall be held responsible?

Dean: That's a very good question. The second part of the investigation is focusing on the chain of command and the decision-making process as to who gave the authority for the use of the rubber bullets. Now the usage of the rubber bullets is not in and of itself criminal. It is a controversial matter, some nations, some jurisdictions do not believe in utilizing rubber bullets for crowd control purposes. It is not the role of my task force to condone or condemn the use of rubber bullets. But there are, and we are going to be exploring this in the second part of the investigation, there are acceptable circumstances for using rubber bullets. I want to know where they are spelled out and how the decision making was made on this particular day. At that time I will be able to make a better answer to your question, but we are pursuing that.

Question: Have the Romanian authorities given you any indication that they would make available their officers in the event of any prosecution?

Dean: I don't know if I understand the question. Will they send back any particular individual should we have enough to indict? I don't know. I can't answer that question.

Question: They haven't said it?

Dean: No, no.

Tomorrow there is the routine or the regular press briefing. If any of you, after reviewing your reports, have questions for me, I am not going to be here tomorrow, but submit them and I will get to them. Or there might be people here who might be able to answer related issues but if they can't answer them I am more than willing to entertain your questions. So write them down. Thank you very much.

ENDS