



Press Briefing Notes,

28 April 2004

**UNMIK Division of Public Information Mechthild Henneke**  
**KFOR Spokesperson Jim Moran**  
**UNMIK Police and Justice Spokesperson Neeraj Singh**  
**OSCE Spokesperson Edita Buçaj**  
**EU Spokesperson Kris Litiere**

## **UNMIK Division of Public Information Mechthild Henneke**

SRSG flew out to Strasbourg today where he will attend a meeting at the Parliamentary Assembly of the Council of Europe. He will deliver a speech tomorrow at 10.00 at the Parliamentary Assembly and we will distribute the speech after it's delivered.

Prior to the address to the Assembly he is going to meet with the Secretary General of the Council of Europe, Schwimmer and the President of the Assembly, Schieder.

On Thursday afternoon, at approximately 12.15, the SRSG will meet with the local and international press in Room 1, in the CoE in Strasbourg.

On Friday, he is going to Brussels to meet with Solana, EU High Representative for the Common Foreign and Security Policy, and NATO Deputy Secretary, Mr. Alessandro Minuto Rizzo.

Yesterday, the SRSG promulgated UNMIK Regulation 2004/9 on Central Election Commission. This regulation is an important step in the elections process in Kosovo and in particular in the preparations for the elections to the Assembly for Kosovo in October.

The other regulations are currently at the last stage of consideration. After response from NY and in accordance with the established procedure, these regulations will be finalized for promulgation.

## **KFOR Spokesman LTC Jim Moran**

On Sunday, 2<sup>nd</sup> May 2004, KFOR Engineers will proceed with the imploding of the Kacanik bridge. After this operation, the civilian contractor will clean the area of the rubble before the groundbreaking ceremony for the building of a new bridge.

For the safety of all citizens of Kosovo KFOR in co-ordination with UNMIK-P will implement the following plan for travel in the southern region of Kosovo:

## **Traffic plan:**

### **Road traffic:**

- Avoid traveling on Pristina/Skopje highway on 2<sup>nd</sup> of May between KACANIK and BLACE in the Southern part of Kosovo as much as possible.
- Pristina/Skopje highway will be closed between KACANIK in the north and 2 km south of the bridge from 0600hrs to 1900hrs on the 2<sup>nd</sup> May. You will need to use route R116 during this time to get into FYROM and back. KFOR will try to open the road as soon as possible but prepared to use the alternate route.
- The road will be closed for the trucks between 2 May 0600hrs to 3<sup>rd</sup> May 0600hrs.
- People traveling north of KACANIK on the 2<sup>nd</sup> from FYROM should cross the border at GLOBOCCICA and use route R116.
- People traveling SOUTH of KACANIK on the 2<sup>nd</sup> from KOSOVO should use the road R116 from DOGANOVIC.

## **UNMIK Police and Justice Spokesperson Neeraj Singh**

We have the report from the investigations into the drowning of the three children from Cabra village. But before we discuss that, let me give you a quick update on the ongoing investigations into the March riots and the Mitrovica Detention Centre shooting.

Investigations into the March riots are continuing and police have made more than 260 arrests in this connection. During the riots in Kosovopolje on 17 March 2004, a Kosovo Serbian male and female were attacked by a small group of rioters. The male, Zlatibor Trajkovic, suffered fatal injuries during the attack. Police have arrested a Kosovo Albanian male suspect for the murder of Zlatibor Trajkovic and attempted murder of Trufun Stoilovic. On 22 April 2004, an international pre-trial judge of the Pristina district court ordered detention on remand for a period of one month for the suspect.

In relation to the shooting incident in the Mitrovica Detention Centre, of the four Jordanian police officers who had been detained for questioning, three have been released from detention this morning. Investigations into the incident are continuing and one Jordanian police officer still remains in detention.

There have been thorough investigations into the deaths by drowning of three children from Cabra village in the Ibar river on 16 March 2004. The investigations were conducted by one of the senior most International Prosecutors in the Mission Mr. Peter A. Tinsley, a highly respected Kosovo Albanian Judge of the Mitrovica District Court who was the investigating judge in the case and experienced police investigators.

The deaths occurred on March 16, 2004 when the boys, four of an original group of six, entered the Ibar River between the Albanian village of Cabra and the Serbian village of Lower Zupce from the Zupce side where they had gone to play.

It is unquestionable that the drowning deaths of the three children is a horrific tragedy, however it came about. Investigations, however, have to be based on the sole question of whether there is sufficient evidence to support a grounded suspicion that the deaths were a result of culpable homicide, including that resulting from negligence. The question before the

investigators is why the boys entered the highly turbulent river: was it accident or a threat of a nature greater than the river itself?

**The facts of the incident can be summarized as follows:**

- In the evening of 16 March 2004, 6 children from Cabra village crossed a bridge and went over to the Zupce side of the Ibar river.
- Approximately 500 metres downstream from the bridge, 2 children briefly separated from the group and walked further downstream while four remained at the location.
- The four children entered the river, which was swollen and turbulent. Only one of them, 13 year old Fitim Veseli, reached the other side of the river. The body of 12 year old Egzon Deliu was found in the night of 16 March and that of 11 year old Avni Veseli in the morning of 17 March. One child, 9 year old Florent Veseli, is still missing.
- The two children who had walked further downstream returned to the location where they had parted from the four children, they believe within 10 minutes of having separated. They did not see their four friends there, walked up towards the bridge and crossed back to the Cabra side of the river.

**Conduct of investigations**

The following investigative measures were undertaken:

- The investigating judge of the Mitrovica District Court, responded to the finding of the bodies of the two children on 16 and 17 March respectively.
- The investigating judge ordered autopsies for the two bodies. In both cases autopsies confirmed their deaths were by drowning.
- In the early morning hours of 17 March, the investigating judge and police investigators recorded the statements of the principal witness Fitim Veseli.
- On 22 March the case investigator once again interviewed Fitim Veseli.
- Apparently over 30 interviews with journalists, a “professor” who is writing a book and others intervened between the two interviews on 17 and 22 March.
- Despite prior agreement, the International Prosecutor was denied access to Fitim Veseli at the time of the scene visit and since.
- The two other children from the group of 6 were interviewed by the case investigator.
- An elderly Serb man who had been working in a cornfield near the scene of the incident was interviewed.
- The International Prosecutor visited the scene in the company of police investigators and the investigating judge.
- The case investigator thoroughly canvassed the houses of Lower Zupce village, particularly those along the escarpment where the two Serb males with a dog were alleged to have appeared.
- The residents of the village are primarily older Serbs and, with their children accounted for, no young Serb males fitting the descriptions provided were identified.
- The case investigator made observations and inquiries regarding dogs; such animals observed were photographed.
- Investigators re-enacted possible scenarios at the scene to fit the description provided by the witnesses.
- The steep 50 meter high escarpment and then the 200 meter of rough, partly boggy, ground between the bottom of the escarpment and the location of the boys was examined. It was demonstrated by a fit UNMIK Police officer that running from the top of the escarpment to the boys’ location was difficult given the ground surface and would have taken several minutes.

## **Findings from the investigation**

The principal witness to the incident, Fitim Veseli, had alleged that two young male Serbs, approximately 20 to 22 years of age, along with a dog emerged from one of the houses in Zupce at the top of the escarpment and approached the boys. Fear of the dog prompted the four boys to enter the river. There are significant inconsistencies in the statements of Fitim Veseli as may be seen from the summary of the prosecutor's report handed out.

After a systematic and thorough investigation into the incident the International Prosecutor, with the agreement of the Investigating Judge and Police Investigators, has concluded that at this point of time there is no case to proceed further with.

The primary reasons for the conclusion are:

1. No suspects fitting the broad description given by the surviving child have been found.
2. Nothing has been uncovered to support the existence of such people.
3. No dog fitting the description provided by the surviving child has been found in the area.
4. There are very significant inconsistencies in the accounts given by the surviving child, first before the investigating judge in the morning of 17 March and then in an interview with the case investigator on 22 March.
5. There is a lack of corroboration of the statements of the surviving child. In fact, it is logically at odds in several respects with other evidence, most significantly the failure of the farmer in the cornfield, and even the other two boys, to hear or see the loud and highly visible events described.
6. Given the accepted frailties of eyewitness testimony in even the best of circumstances, which these clearly were not, the reliability of the single sourced evidence supporting the allegation is highly open to question. And it must be noted that this single sourced evidence itself has significant inconsistencies.

Under the circumstances, it is the considered opinion of the public prosecutor, investigating judge and case investigator that the evidence does not currently support a grounded suspicion of the commission of a criminal act against any individual or individuals. As such, the matter can proceed no further at this time. However, should any further credible evidence be uncovered in the future the investigation will be revived.

## **OSCE Spokesperson Edita Buçaj**

The OSCE the representative on Freedom of Media, Miklos Haraszti, will be coming to Pristina (3<sup>rd</sup> of May) to present the report on role of the media in the events of mid March. The report will be presented in a press conference, which is to be held this Monday at OSCE HQ at 12.00. All media are welcome to attend.

## **EU Spokesperson Kris Litiere**

I would like to refer to what Jim Moran already said regarding the demolition of the bridge in Kacanik on the 2nd of May. To help alleviate traffic and to avoid a tailback inside Kosovo on the day of the bridge demolition, UNMIK Customs, in liaising with Macedonian Customs, will not clear any commercial traffic coming in from Macedonia

into Kosovo from 6am on Sunday the 2nd of May to 6am on Monday the 3rd of May. That will thus last somewhat longer than the actual roadblock by KFOR on Sunday.

**Questions:**

AP: There is a logical inconsistency in what you have said, because all the facts that you say are that four entered the river, which you repeated several times. Why would any one enter the river, it was not summer time? Do you think that the children were sort of...what are the two other guys saying? Why did they go into the river?

Neeraj: That is precisely the question before the investigators as to why the children entered a highly turbulent river? Was it accident, was it juvenile misadventure, was it a threat of a nature most significant than the river itself? We are not speculating on the possibilities. We have to go by the facts that are brought out from the investigation. And the facts that have come forward at this stage, do not constitute enough evidence for a grounded suspicion that there was a culpable homicide.

AP: No, it is not about homicide. Why did the children enter the river? And if you don't know that, how can you dismiss a case?

Neeraj: That is the reason why we haven't dismissed the case. As I said, if further evidence comes forth the case will be revived. The report has just been archived at this stage as we have nothing to go forward with.

Koha Ditore: Today in Skenderaj Sami Lushtaku was arrested. Nobody knows who arrested him, and obviously it wasn't a police action. The people who arrested him weren't uniformed, the KFOR soldieries that participated in that action? Does this mean that it is a case for...?

Jim: KFOR did detain him this morning at 07.21am. And he is being detained for suspicions of activity between the riots in March and also some extortion of Kosovo Albanians.

Koha Ditore: Did KFOR conduct a search in the entire village?

Jim: I do not know the details of the operation as to what happened, but he was detained this morning.

Epoka e Re: How is it possible that you cannot give the details for the report, when the Serbian authorities have already done it?

Neeraj: After the prosecutor had completed his report, he wanted to first inform the concerned families about the findings of the investigation before we made it public and we think that was the appropriate thing to do. In the meantime we are equally concerned about how this report landed up with the Serb media. There is a possibility that it may have been stolen. We are investigating to establish how this has happened.

AFP: Could you just explain, to what extent was the scene of the crime contaminated, to what extent was the ...knowing that the riots of last March was a key [not audible] in Kosovo. In that light to what extent would it be impossible to conduct a proper investigation. Are you speaking to the witnesses and gathering evidence?

Neeraj: The most significant problem that we encountered in the investigation was the fact that a 13 year-old child who was traumatized from the experience, was then subjected to more than 30 interviews, from journalists who were professional interviewers and would definitely have subjected him to a lot of questions. The father of the child informed the prosecutor that the reason he didn't want the prosecutor to talk to the child was that after all these interviews that the child had to go through, the child had to be placed under psychiatric care. The psychiatrist felt that having to relive the tragedy over and over again was causing harm to the child. And that was a very significant problem that we had to encounter.

AFP: Would you say that the situation was such that there was tampering with evidence and that it was a contaminated crime scene, and that is one of the reasons why the results of the investigation are inconclusive to any meaning?

Neeraj: It was certainly not the most ideal circumstances for an investigation.

Reuters: How many days after the incident was the site inspection conducted by the investigators? [not audible]

Neeraj: This was done several times, and I cannot give you a date.

Reuters: First time then, after how many days was the first examination conducted?

Neeraj: It started right from the morning of the 17<sup>th</sup> of March.

KTV: Why hasn't KFOR consulted with UNMIK police to **arrest** Sami Lushtaku? Why was this done separately?

Jim: He is being detained by KFOR, and we do cooperate with the UNMIK police in coordination to do these things. They are aware what is going on.

KTV: [not audible]

Jim: Yes it was.

KTV: Has only Sami Lushtaku been **arrested**, or are there other arrests?

Jim: Just the one person this morning. And KFOR soldiers **detained** him.

AP: How will investigations continue? Will you wait for new information to come to you or will you look for more evidence, before you start anything else. Or do you think that, you know, there is simply no dog involved, and that this is a part of a greater conspiracy?

Neeraj: You see, when you ask whether we will look for evidence, I would say we will definitely be on the lookout for more information. One new element that would come into the investigation is when the body of the third child is found, as that would definitely have to be factored in. If we get information about any suspects that fit the description provided by the child that would be another factor in the investigation. All I can say is that we are still very much open to further evidence coming forth in the future.

AP: Are you suggesting that because the child is inconsistent, and as far as I can tell it may be a little bit logical, that the child was trained, that the child was coached, is that what you are saying?

Neeraj: The child was traumatized and the child was subjected to repeated traumatic experience, through the various interviews with journalists when he should instead have been talking to the police and the prosecutor.

AP: So basically, you haven't spoken to the child after the first initial interview?

Neeraj: I said that there was two occasions when the child was interviewed on the 17 and 22 of March.

AP: You said that the prosecutor was not granted access to the child?

Neeraj: That is correct.

AP: So you basically haven't interviewed the child after the third interview?

Neeraj: You see, on the 17<sup>th</sup> of March the statement of the child was recorded in note form by the investigating judge in the presence of police investigators who also took notes. On 22<sup>nd</sup> March, the case investigator did a more detailed interview of the child. Thereafter it was agreed that during the scene visit the prosecutor would also be talking to the child, but at that stage as I mentioned, the father said that the child had been advised by the doctor not to be interviewed any further.

AP: Do you have contact with the doctor, I mean couldn't you have gone to the doctor?

Neeraj: We would like to believe the father when he says that about his child.

AP: This is not an issue of believing, this is a serious sort of allegation or counter allegation, I mean it is not an issue of believing.

Neeraj: If you are suggesting that we should have brought down the heavy blunt instrument of law against a helpless and traumatized child that is not something we were looking to do. It would have been too harsh on the child to compel him under the law to appear for an interview. If the father of a 13 year-old child says that the child is traumatized and has been seeing a psychiatrist, we accept his position.

AFP: If you trust the father of the child who says that his son is traumatized, and that he shouldn't be interviewed, what is the point in believing the child and the father when they say that he was allegedly chased by the Serbs and a dog?

Neeraj: That is not how law works. When you are looking to prosecute a case, it has to be based on facts. And the facts that were stated by the child on the two occasions when he was formally interviewed, were inconsistent as you can see from the details that I have provided for you. Between the first and the second interview his version had changed, and that would not stand the test of law, I am sure you would appreciate that. Besides, his version was not corroborated by the statements of the other witnesses, including the two other children from the group of six who briefly separated from the four. So the case has to be considered in totality and dispassionately when it comes to prosecution.

Koha Ditore: Can you tell us then, maybe I didn't listen earlier, but on what locations were the police conducting the search for the identification of the suspects that the child described, for the dog and for the alleged two Serbian young males?

Neeraj: I suggest that you go through the summary we are handing out because it gives all the details of the various locations that were canvassed. I have already given a very exhaustive account of the investigations and I must thank all of you for bearing with me on that. You go through the report and if you have any more questions, let's talk then.

Koha Ditore: No, I was just interested if only the two or three villages and the place where the drowning happen was searched, or were other areas like Gracanica or Çagllavica or other Serbian enclaves also searched?

Neeraj: That is not how investigations are conducted. We do not arbitrarily enter homes of people looking for possible suspects. Searches must be based on definite leads from the investigation. We thoroughly canvas the particular area in the vicinity of the scene of an incident, and talk to a lot of people there. Now it is primarily elderly people living in Zupce village and after having accounted for all their children, there is no information of any presence of persons fitting the description of the alleged suspects in the area. The other two children who returned to the location within ten minutes of having separated did not see or hear anything. You will see all that from the report, so there was no basis for conducting Kosovo wide house-to-house searches.

Koha Ditore: Well could it be possible that the two other children that didn't hear and see nothing, because according to this report, there was no dog, and two Serbian that were chasing the children that were drowned right? So, if the statement that was given by Fitim, in the TV and to the prosecutor, was made up? Or was not true? Have you considered the possibility that the two other children could make up this story?

Neeraj: We would not gain anything by speculating on the various possibilities and I would correct you in the statement that you just made, because I hope you don't report it like that. We have very clearly stated that at this stage we do not have enough evidence to support any grounded suspicion of culpable homicide. I think the report is very categorical and comes from a highly experienced and professional prosecutor. I don't see the need to qualify the findings of the investigation any further.

Epoka e Re: As you said Neeraj that the child was traumatized, is it not a traumatisation if they have lost their friends that were drowned in the river Ibar?

Neeraj: I don't think it takes much imagination to understand that a child who has gone through such an experience would be highly traumatized.

Beta: I have two questions, first to Mr. Singh. If I understood it right, did you say that Serbs were not responsible for the death of these children? And for Mr. Moran, do KFOR have a picture of the demolition of the Serbian church in Podujevo which was broadcast on Serbian TV last night?

Neeraj: We have never been in the blame game. We have always said that investigations must bring out the facts of what happened. Besides, in any case we have never agreed with collective responsibility for individual actions.

Jim: Yes we did see the video last night on TV on the destruction of the Serbian church.

Reuters: During last week we have seen reports from, OSCE, NATO, Kosovo Government and all have taken their responsibilities in these reports. How long will it take for UNMIK to come out with a report and take responsibilities?

Mechthild: UNMIK has announced that it will set up a review body, the penal of this review body is at this moment being finalized and then the work will start and later we will also have our own report.

Reuters: How long will this take?

Mechthild: At this very moment I cannot give you a deadline for the report.

KTV: The US Institute of Peace says on its final report that also was published on the UNMIK's media monitor. The report says that UNMIK needs to initiate the term Status with Standards, and forget Standards before Status. Which is UNMIK's position on this?

Mechthild: We have said repeatedly that our policy is to implement the Standards for Kosovo, because this is for the benefit for everybody in this place. Only after considerably progress has been reached a review of the Standards can be done and after that any other questions can be raised.

Q: Can you give us the reason of the arrest of Sami Lushtaku?

Jim: Yes, but he has been detained, keep in mind that we detain personnel. UNMIK will arrest them but we detain them.

First he is being detained for suspicion of involvement of the riots 16, 17 of March.

Q: Did UNMIK carry out any kind of investigation before KFOR detained him?

Jim: We detained him and the investigation is ongoing at this point.

Koha Ditore: How can the report be stolen by the Serbian media?

Neeraj: If you want an immediate answer to that, ask those who got the report how they got it. If you want an answer from us, wait for the investigation to conclude.

Koha Ditore: Is the Serbian authorities notified about this, since this is a violation?

Neeraj: We are definitely not happy with the way this report landed up there, and was made public, particular because our concern was that the families of the boys should have had priority in getting to know the findings of the investigation. We are investigating to find out how that happened. And all necessary means will be used to investigate that.

Reuters: Have you informed the families about this report and how did they accept it?

Neeraj: The families have been informed this morning. In fact as we speak, or at least when I came in here for the press conference, the prosecutor and the judge were with the families informing them about it.