4-06-82-T

In the Trial Chamber II D 15994 - D 15977 31 October 2007

Before:

Judge Kevin Parker, Presiding Judge Christine Van Den Wyngaert Judge Krister Thelin,

Registrar:

Mr. Hans Holthuis, Registrar

Public Order

The Prosecutor

Ljube BOŠKOSKI Johan TARČULOVSKI

Order to Redact the Public Transcript and the Public Broadcast of a Hearing

The Trial Chamber

(At the request of the Prosecutor / Defence and with the agreement of the parties)

ORDERS that the following blacked-out text be omitted from the public transcript of the hearing dated 26 September 2007 and be edited from the public broadcast of this hearing.

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		143 c
6 16:25:43	Can you focus on paragraph 33, Mr. Bushi. Do you see that?	1
7 16:25:48		n*
8 16:25:48	Q. And I will read it out to you. This is what	
	said in his statement. "The operation of the NLA on Sunday afternoon,	1.1
	12 August, was organised and led by Xhezair Shaqiri."	
11 16:26:07	Can you see that?	
12 16:26:08		
13 16:26:10		
	Nikustak at that time. Is that the same person?	1
15 16:26:22		
16 16:26:24		<u></u>
	strategic issues in the NLA. As I was told Xhezair Shaqiri on this	
	Sunday afternoon was with the soldiers above Pop Cesme. When the NLA	
	soldiers were wounded, he ordered them to withdraw to Matejce because	
	he was informed that the Ohrid agreement was reached and the war was	
	going to end. After that, he left for Kosovo and I do not hear	
	anything about him. Albanians respect him a lot. About 100 NLA	
	members participated on Sunday afternoon operation in the area above	
24 16:27:20		
25 16:27:24		
24:1 16:27:29		
2 16:27:33	• · · · · · · · · · · · · · · · · · · ·	
	page please, or the Albanian version, thank you, to the next page. To	
	the top of the page.	
5 16:27:45	Can you see at the top of the page that I just tried, Mr.	
616:27:49		
716:28:07		
816:28:07		
916:28:07		
10 16:28:09		
11 16:28:16	what he was told by someone else, and this is in paragraph 33. So it	-
er bine (her) The second of the second se	· · · · · · · · · · · · · · · · · · ·	×Č
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6775CAR

Kevin Parker Presiding Judge





IT-04-82-T

29 October 2007

Case No.

Date :

Before:

Judge Kevin Parker, Presiding Judge Christine Van Den Wyngaert Judge Krister Thelin,

Mr. Hans Holthuis, Registrar

Registrar:

Public Order

The Prosecutor

Ljube BOŠKOSKI Johan TARČULOVSKI

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LiveNote SR - [26/09/200 File Edit Transcript Sea	77 Day 72] rch Annotate (Issue Report Options Window Help	90 <u>. </u>
6		
25:116:29:35	A. And secondly, Xhezair Shaqiri has nothing to it with 114th	and the second second
	Brigade. He was not a member of this brigade and he was not in charge	
	of any operations.	
4 16:29:48		
	to say from this first sentence I have tried where	
	information from, about the fact that the operation was led and	
	organised by Xhezair Shagiri. Do you know where he got his	
	information from, from that statement?	
916:30:19		
	qot his information from.	
11 16:30:23		
	is Xhezair Shaqiri ordered them to withdraw to Matejce because he was	
	informed that the Ohrid agreement was reached and the war was going to	
14 16:30:36		
15 16:30:38		
1616:30:42		
	A. I don't know where he got his information from.	
1816:30:5		
19 16:31:07	Sunday afternoon operation in the area above Ljuboten. Do you know	
	how he would know that?	
21 16:31:09	A. I don't know that. Some say 30, some say 60, some say 100.	
22 16:31:18	We have seep these figures in different statements. The truth is	
	there were no NLA soldiers in Ljuboten.	
24 16:31:27		
25 16:31:33	given by various witnesses. But you will agree that the evidence	
	given by directly corroborates the evidence of other	
	witnesses including Islam Zendeli and Mr. Suat Saliu, which I have	
	read to you earlier. Do you agree with that?	
4 16:32:00		
5 16:32:03		
616:32:04	Had there been any, even a single NLA soldier in Ljuboten why	
		and there were a
D D Open Lupiate	CBL CQL CBL Cap RR. CQL BR CM CBD A C CAP	

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Kevin Parker Presiding Judge

5992

Before:

Judge Kevin Parker, Presiding Judge Christine Van Den Wyngaert Judge Krister Thelin,

Mr. Hans Holthuis, Registrar

Registrar:

Public Order

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2] Elle Edit Transcript Searc	h gradste Issue Beport Octore Window Heb
21 17:36:47	A. This is your opinion, and I do not agree with that.
22 17:36:52	MR. METTRAUX: Could the registry please bring up what is
23 17:36:56	Exhibit P215, please. This is N000-6475-N000-6493-01 in the English.
24 17:37:15	And it would be N002-724D-N002-7256-01 in the Macedonian version.
25 17:37:35	Q. Mr. Bushi, what I'm going to show to you is, once again, the
40:117:37:40	statement of Ljuboten villagers which I have shown to
	you already a moment ago.
317:37:52	MR. METTRAUX: And would kindly ask the registry to turn to
417:37:54	page 8 in the English. That would be N000-6475-N000-6493-08. And in
517:38:19	the Albanian version, that would be at page -11.
617:38:34	Q. Mr. Bushi could you please focus on paragraph 34 of the
7 17:38:38	statement. And I will read out to you what the statement told the
	Office of the Prosecutor in relation to this issue. "There was one
	person from the 114th Brigade who got killed during fighting with
	Macedonian forces on Sunday in the area above Ljuboten. The name of
	the person is Muzafer Agushi."
12 17:39:24	Can you see that?
13 17:39:24	A. I can.
1417:39:24	Q. And do you agree, again, that this directly contradicts the
	information which you have provided to this Chamber?
1617:39:24	A. I can see that.
17 17:39:24	Q. And he goes on to say this
18 17:39:33	
1917:39:34	Q. "I do not the exact of the location. Maybe also another
20 17:39:38	person was wounded there, but I do not remember the name. I think his
21 17:39:44	name was Bejtullah Ademi and he was from Singelic."
22 17:39:57	
23 17:39:58	
24 17:39:58	Q. And, again, the information provided by
25 17:40:11	about Mr. Ademi directly correct what you have told this Trial
41:1 17:40:11	Chamber. Would you agree?
41.1	به مینه ¹ است. مدینه می است در § در را در به می به و به ۲ است ۲۰ در می می در در در مدینه در مراد می از در در در
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1 EtwarRet

Kevin Parker Presiding Judge

15991

Before:

Judge Kevin Parker, Presiding Judge Christine Van Den Wyngaert Judge Krister Thelin,

Mr. Hans Holthuis, Registrar

Registrar:

Public Order

The Prosecutor

Ljube BOŠKOSKI Johan TARČULOVSKI

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EliveNote SR = [26/09/2007 Ble Edit Jranscrift Search	Day 72] Amotate Issue Report Cattors Window Help
24 17:42:54	Do you agree, Mr. Bushi, that the information of Mr. Saliu
	directly Corroborates the evidence or the information given
42:1	about Mr. Muzafer Agushi and Mr. Ademi and directly
2 17:43:08 c	contradicts the information which you have given to this Chamber. Do
	you agree with that?
4 17:43:20	A. It does contradict my statement and I will explain why.
517:43:26	He was not there, and he is not well-informed. Bejtullah
6 17:43:32 A	Ademi did not loose his leg. He was treated on the first day there ^
7 17:43:40 h	nospital, but since he could not fully be treated he was transferred
B 17:43:48 t	to Kosova to Pristina and I think two or three days later the doctors
	took the decision to a.m. pew Tate his leg and with you prove this
10 17:44:01 🗤	what I'm telling you now with the hospital in Pristina.
11 17:44:05	Q. Well, the short answer to my question, sir, that do you agree
	that the evidence of these two person, the second second and Suat Saliu
13 17:44:15 d	directly contradicts the information which you have given to this
	Chamber about the circumstances in which Mr. Agushi and Mr. ADohm were
	respectively killed and injured. Do you agree with that?
16 17:44:32	A. I agree that it contradicts my statement.
17 17:44:35	Q. And do you also agree that it contradicts the information
	which you gave to this Chamber about the fact that none of your men
	was in the area or in the village of Ljuboten. Do you agree with
20 17:44:53 t	
2117:44:54	A. I agree, and it is true that I didn't have any of my men
22 17:44:58 t	
23 17:45:01	Q. Well, the both persons, and Mr. Suat
	Saliu, have also pointed out, you will recall, there was more than one
	injured person, and I think both of them mentioned that eight of your
	solds were injured. Can you recall them saying that?
2 17:45:29	A. <u>I saw that.</u> This is what he said in his statement. But how
3 17:45:38 c	
4 17:45:42 i	injured and receiving treatment in Nagustak hospital? He only got
	<u>na Porte de la crea e la compacta de la centra de la centra</u>
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14 Pacoli

Kevin Parker Presiding Judge

15990

Before:

Judge Kevin Parker, Presiding Judge Christine Van Den Wyngaert Judge Krister Thelin,

Registrar:

Mr. Hans Holthuis, Registrar

Public Order

The Prosecutor

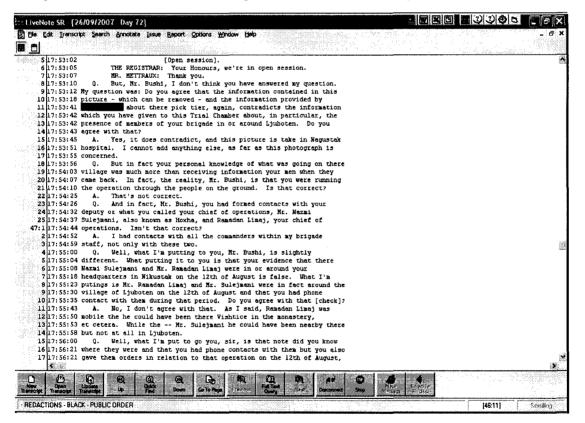
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5 26/09/2007 Day 72	
15 18:02:19	Do you agree with that?
16 18:02:27	A. Yes.
17 18:02:29	Q. And you recall that Mr. Suat Saliu in his statement mentioned
18 18:02:34	that in fact your men, the members of the 114th Brigade, sent about
	six or seven mortar rounds. Do you recall me reading that from his
	statement?
21 18:02:59	A. I recall, yes.
22 18:03:01	
23 18:03:04	
24 18:03:13	A. It is it is his statement or their statements.
25 18:03:17	Q. But the truth is, Mr. Bushi, is that that is what happened,
	isn't it, you gave an order to your subordinate to start firing at the
	army position just outside of the village of Ljuboten. Is that the
	truth, Mr. Bushi?
4 18:03:36	Jacob
5 18:03:42	an order.
6 18:03:44	MR. METTRAUX: Could the witness please be shown Exhibit 1D23.
7 18:03:58	Q. Mr. Bushi, there is no Macedonian or Albanian translation of
	this document, so I will read it out to you. This is a document that
9 18:04:06	we received from the Office of the Prosecutor and which originates in
	the OSCE organisation. The document is a spot report and it is dated
	Skopje, 14th August of 2001. I would like to read to you a passage of
	that document which is towards the end or the bottom of the first
	page, please.
14 18:04:36	
	seems clear that the ethnic Albanian armed group mortar fire brought
	to bare on to the ethnic Macedonian part of the village originally
	sparked the fighting at at least a covert presence of ethnic Albanian
	armed group did in fact exist in the village."
19 18:05:28	Do you agree, Mr. Bushi, that this again would directly
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141 Kiell

Kevin Parker Presiding Judge

15988

Before:

Judge Kevin Parker, Presiding Judge Christine Van Den Wyngaert Judge Krister Thelin,

Mr. Hans Holthuis, Registrar

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篇 26/09/2007 Day 72	
55:118:13:41	Germany by its military attache.
2 18:13:49	MR. METTRAUX: The English version I believe would be
3 18:13:54	1D00-2380. Thank you.
4 18:14:00	Q. Mr. Bushi, I'll read a passage which I believe I have read to
5 18:14:03	you a moment ago in this report. It says this: "The attack by the
618:14:09	security forces of 12 August was led by the Macedonian part of the
7 18:14:14	town against the centre of the town."
8 18:14:20	And then the report goes on to say this: "There is no doubt
9 18:14:22	that first three mortar attacks were aimed at the security forces. It
10 18:14:28	was the Macedonian forces which then followed by using further
11 18:14:37	mortars."
12 18:14:37	Do you agree, Mr. Bushi, that this document, as with the
13 18:14:39	evidence of sector and Mr. Saliu and the other documents and
14 18:14:46	persons that I mentioned earlier, again confirm that on the 12th of
15 18:14:51	August, the original fire had been coming from your positions and that
16 18:14:56	it is in reaction to this fire that the Macedonian forces fired back.
17 18:15:10	Do you agree that's what the document suggests?
18 18:15:14	A. The document says completely the opposite of what I'm saying
19 18: 15: 19	and stating here.
20 18:15:20	Q. Thank you.
21 18:15:22	MR. METTRAUX: Your Honour, we'll also draw the Chamber's
22 18:15:25	attention to the evidence Mr. Bolton, Despodov, and Jurisic.
23 18:15:34	
	you ordered the shelling of the position of the Macedonian forces in
	or around the village of Ljuboten on the 12th of August of 2001 was to
	try to lure ^ the Macedonian forces into an incident, an overreaction
	with a view to use it as a propaganda tools. Do you agree with that?
3 18: 16: 10	A. First of all, tell me, please, what kind of prop grand you
4 18:16:15	mean. And we didn't need to do that. We didn't it was not in our
5 18:16:20	interest to have Ljuboten become a battlefield. And I want to repeat
41	n de la constante de la constan
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Kevin Parker Presiding Judge

IT-04-82-T 29 October 2007

Before:

Judge Kevin Parker, Presiding Judge Christine Van Den Wyngaert Judge Krister Thelin,

Registrar:

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1 26/09/2007 Day 72		J ×
318:29:36	with a battery against a battery and inform him of that.	
4 18:29:45	Mr. Bushi do you agree that's exactly what did you on that	
518:29:50	day?	
618:29:51	A. No, I don't. It is it not true that did I what you are	
7 18:29:55	putting to me.	
8 18:29:56	Q. That's exactly what Mr. Suat Saliu and the have	
	said. Isn't it?	
10 18:30:07	A. They may say what they want.	
11 18:30:09		
	82-millimetre with shells and to wait for a tord to strike against the	
	requested targets and then leave down the road where he would be	
	unnoticed. 1333 hours an unidentified person informed Nazim Bushi	
	that the Macedonian security forces had entered Ljuboten. Nazim Bushi	
	told him that they were attacking Ljubanci in reply.	
17 18:30:47		
	asked Nazim Bushi about the latest developments. flaz Bushi told him	
	that they had started down there from the other side. Hasan replied	
	that he heard the same from commander Sokoli ^ ^ and asked Nazim	
	Bushi to issue an order to activate fighters because the assistants	
	were in a poor state. Nazim Bushi told him that he had started and	
	that they were not going to stop."	
24 18:31:29	Can you see that?	
25 18:31:33		
62:1 18:31:36	Q. And then there's a number of other markings at 1348, there's	
	Nazim Bushi asked commander Dani from ^ Kosovo to hid this with the	2
	B2 as hard as they could to spare nothing. Commander Dani accepted	
	the request.	
5 18:31:58	Do you know who commander Dani is?	
618:32:03		
7 18:32:05	Q. flaz Bushi asked Daut ^ ^ commander Sokoli to take morp 82s	2
		2
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Kevin Parker Presiding Judge Before:

Judge Kevin Parker, Presiding Judge Christine Van Den Wyngaert Judge Krister Thelin,

Registrar:

Mr. Hans Holthuis, Registrar

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6 18:43:36	Could you agree sir that this was similar to in part to that I	and a manufacture of the second
7 18:43:41	read out to you earlier [check]?	
8 18:43:44		
9 1B: 43: 46		
10 18:43:51		
	soldiers of Nazmi Sulejmani, Commander Arusha from your brigade. Do	
	you agree that's what it refers to?	
13 18:44:12	······································	
14 18:44:19	*	
	You've been asked a number of questions by the Office of the	
	Prosecutor, both at the time of giving your statement, and yesterday	
	in your examination-in-chief about the goals and purposes of your	
	organisation, the NLA. Do you recall being asked those questions?	
19 18:44:42		
20 18:44:44	•	
	behind your organisation was in fact to promote the human rights of	
	the Albanian minority in Macedonia who you say were discriminated in	
	public and official positions. Do you recall saying that?	
24 18:45:11		
25 18:45:13		
	question today that you believed your group to have the support or	
	morale support, I think you said today of the Albanian minority in	
3 18:45:25	Macedonia whose interests you claim to have been supported at the	
4 18:45:31	time. Do you recall saying that?	
5 18:45:34		
6 18:45:37	Q. Well, what I'm putting to you, Mr. Bushi, is that in fact your	
7 18:45:40	organisation had no or little support in the Albanian community and	
	your organisation was perceived by that community as a threat to their	
	interests and to inter-ethnic relations. Do you agree with that?	
10 18:46:10		
11 18:46:10	MR. METTRAUX: Could the witness please be shown Rule 65 ter	
<u> </u>		
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Kevin Parker Presiding Judge