

IT-04-82-T

In the Trial Chamber II

D 18638-D 18637
do Herce 2008

Case No.
Date :

IT-04-82-T
19 March 2008

18638
MS

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

Registrar: Mr. Hans Holthuis, Registrar

Public Order

The Prosecutor
v.
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)

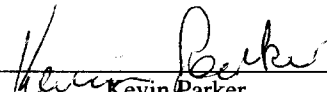
ORDERS that the following blacked-out text be omitted from the public transcript of the hearing dated 04 March 2008 and be edited from the public broadcast of this hearing.

The screenshot shows a window titled "LiveNote SR [04/03/2008 Day 133]". The main area contains a list of text entries, each with a timestamp and a line of text. Some lines are redacted with black boxes. The entries are as follows:

- 10 17:14:42 there had been no NIA presence in the village, as the Prosecution claims,
- 11 17:14:48 what were these forces doing in these locations for several hours? After
- 12 17:14:54 the resistance was broken, the security forces proceeded in the direction
- 13 17:15:01 of previously identified targets that were in the Ametovski house and
- 14 17:15:06 then Jashari house, which were identified by Prosecution witnesses as
- 15 17:15:14 houses where sniper and machine-gun fire came from. This will also be
- 16 17:15:23 confirmed by Defence witnesses from the army.
- 17 17:15:28 The two Defence witnesses will corroborate the Prosecution
- 18 17:15:34 witnesses [REDACTED] N-092; Exhibit P206 and P215, that after they
- 19 17:15:51 escaped from the Jashari house, they were not spotted by the police
- 20 17:15:55 forces on the ground but were spotted by the army positioned on Nalistsena
- 21 17:16:05 or Smok, who opened fire on them and probably killed them. The Defence
- 22 17:16:11 witnesses will testify that it was a legitimate military target because
- 23 17:16:18 the Jashari house was a house identified by the army as a sniper and
- 24 17:16:25 machine-gun position. Surely once the resistance of the NIA was being
- 25 17:16:35 broken down, the NIA terrorists stationed in the Jashari house decided to
- 55:1 17:16:40 flee towards the NIA positions above Ljuboten and became legitimate
- 2 17:16:46 targets. From the same place, three pieces of weaponry were found and
- 3 17:16:58 are now in the evidence of the Court.
- 4 17:17:03 Your Honours, the theory of the Prosecution that those who
- 5 17:17:14 entered the village intended to murder people presumes a pre surgeries to
- 6 17:17:24 that end cannot be drawn. Further more, the limited number of death
- 7 17:17:31 casualties considering the intensity of the military exchange and of the
- 8 17:17:37 terrorists in the village and of the security forces and the danger of
- 9 17:17:43 this kind of urban fighting positively demonstrates that the death of
- 10 17:17:51 these persons was related to combat activities thapd they themselves took
- 11 17:18:00 part in such activities. The other 2.000 villagers were left intact. If
- 12 17:18:11 the intent of the group was to kill civilians, they would have gone house
- 13 17:18:16 by house and they would kill everyone they would find in their way. No
- 14 17:18:22 women, no child or elderly was touched or hurt or searched. As a fact a
- 15 17:18:40 battalion of posebna was sent to save from the local villagers and
- 16 17:18:45 efforts were made for them to be taken to safety. The whole operation
- 17 17:18:51 ended around noon. The forces that entered the village after less than
- 18 17:19:01 an hour withdrew, once they neutralized the NIA positions located at and
- 19 17:19:09 near the Jashari house. The civilians that were held hostage by the
- 20 17:19:16 terrorists left in the direction of Skopje.
- 21 17:19:22 As I explained previously, the tactics of the NIA was to dress
- 22 17:20:03 themselves in civilian clothing after they were defeated this is why the
- 23 17:20:03 police detained Ljuboten villagers and only those with a positive
- 24 17:20:03 paraffin glove test were brought before an investigating judge and before

At the bottom of the window, there is a toolbar with icons for "New Transcript", "Open Transcript", "Update Transcript", "Print", "Copy", "Paste", "Find", "Find Next", "Find Previous", "Find All", "Find This Query", "Find", "Cancel", "Find", "New Transcript", and "Export Public". Below the toolbar, there is a status bar that reads "REDACTIONS: BLACK: PUBLIC ORDER" and a page number "54/18".

The blacked-out text, as identified by the passages prior and subsequent thereto, is confidential. Any person or organization, including media organizations, which has possession of the public recording of all or the relevant portion of the proceeding containing the confidential information is hereby enjoined from disclosing it to any other person(s) or organization(s) as of the date and time this order is received. The failure to conform may result in contempt charges being issued by the Tribunal against the disclosing person or organization.


Kevin Parker
Presiding Judge