

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 07 May 2008 and be edited from the public broadcast of this hearing.

The screenshot shows a transcript document with the following visible text:

- 2 09:15:07 [redacted], he had claimed that such a
- 3 09:15:13 conversation had taken place on 10 or 11 August, 2001, but no doubt when
- 4 09:15:19 he was later made aware that there existed telephone records which would
- 5 09:15:23 have shown his evidence to be false, he moved that alleged phone calls to
- 6 09:15:29 the month of July, beyond those records.
- 7 09:15:33 The implied suggestion contained in the Prosecution's final brief
- 8 09:15:37 at paragraph 288 that M-053 somehow corroborated M-052's story on that
- 9 09:15:47 point is plainly wrong. Although M-053 indicated that he had seen
- 10 09:15:51 Mr. Tarculovski on two occasions prior to the 11th of August, he made it
- 11 09:15:56 clear at trial that it was in the month of August of 2001, and the record
- 12 09:16:02 suggest that it would have been on the 10th. Never did M-053 suggest
- 13 09:16:08 having heard of a call from Minister Boskoski to M-052. Even if such a
- 14 09:16:16 call had taken place there is no reliable evidence, Your Honour that is
- 15 09:16:19 correct it was in fact Mr. Boskoski who was on the other side of the
- 16 09:16:23 line. M-052 never claimed that he had been able to ascertain or verify
- 17 09:16:28 that fact.
- 18 09:16:29 Furthermore, there is no evidence that such a call was in any way
- 19 09:16:34 related to the events of Ljuboten and the Prosecution never put that
- 20 09:16:40 suggestion to M-052 himself. The Defence submits that this
- 21 09:16:44 uncorroborated story should be disregarded as unreliable.
- 22 09:16:48 The Prosecution also seeks to rely upon another part of M-052's
- 23 09:16:53 evidence, namely, the suggestion that at some point prior to the action,
- 24 09:16:58 Mr. Tarculovski called Mr. Boskoski to agree to the use of a Hermelin
- 25 09:17:02 vehicle. Again, Your Honour, there is no reliable basis that would
- 0:1 09:17:08 permit a reasonable trier of fact to regard this evidence as true or
- 2 09:17:12 reliable.
- 3 09:17:13 The telephone records said by the Prosecution to have been used
- 4 09:17:17 by Mr. Tarculovski during that week end do not reveal any call from that
- 5 09:17:39 phone to any of the phones used by Mr. Boskoski. Mr. Mettraux never
- 6 09:17:39 claimed that such a call took place, whether before the second commission
- 7 09:17:40 or anywhere else.
- 8 [redacted] and never recorded in any official record, note, or otherwise.

The status bar at the bottom of the screenshot displays: PUBLIC REDACTION [87] Local

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

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 07 May 2008 and be edited from the public broadcast of this hearing.

The screenshot shows a transcript with the following text and redactions:

- 9 09:17:46 Even if M-052 had been truthful about what was allegedly told to
- 10 09:17:52 him by Mr. Tarculovski there is no evidence that Mr. Tarculovski actually
- 11 09:17:58 made any contact with Mr. Boskoski on that occasion, and M-052 does not
- 12 09:18:03 claim that he would have been in a position to verify this.
- 13 09:18:08 The evidence is clear, Your Honour that is correct [REDACTED]
- 14 [REDACTED] It is equally
- 15 09:18:20 parent from the record and consistent with M-052's pattern of false story
- 16 09:18:24 that this story of a phone call between Mr. Tarculovski and Mr. Boskoski
- 17 09:18:30 in -- is no more than another attempt to try to place on to others the
- 18 09:18:35 responsibility for his own actions the Prosecution next relies upon a
- 19 09:18:41 third piece of the evidence of M-052. Again, uncorroborated. One where
- 20 09:18:46 he claims that Zoran Krstevski was present in Cair on 10 August 2001 and
- 21 09:18:54 that at the time Mr. Krstevski was or might have been an advisor to Ljube
- 22 09:19:00 Boskoski. There is no corroboration for the evidence of M-052 that Zoran
- 23 09:19:06 Krstevski was in the area at the time and this evidence should be
- 24 09:19:11 regarded for that reason already. M-052 did not record the alleged
- 25 09:19:16 presence of Mr. Krstevski in any document, Official Note, or otherwise.
- 9:1 09:19:21 [REDACTED]
- 2 09:19:24 No other witness claims to have seen Mr. Krstevski in the area at
- 3 09:19:30 the time, and this allegation was not put by the Prosecution to any of
- 4 09:19:36 the witnesses who might have been capable of giving evidence on that
- 5 09:19:41 point, in particular M-053. Of evidence cite the by the Prosecution in
- 6 09:19:48 footnote 846 of its final brief which it claims sports the evidence of
- 7 09:19:54 M-052 on that point does not in fact corroborate it to any relevant
- 8 09:19:59 extent.
- 9 09:20:00 The Defence simply invites Your Honour to look at tab 2 and 3
- 10 09:20:04 this your binder to ascertain that point for yourself.
- 11 09:20:08 Even if it were accepted that Zoran Krstevski had gone to the
- 12 09:20:12 area on the 10th of August, there is no evidence in what capacity he
- 13 09:20:17 would have been there, whether as a journalist or otherwise. The
- 14 09:20:21 evidence shows that, at the time, he did not work for Mr. Boskoski or for
- 15 09:20:27 the Ministry of Interior.

The bottom of the screenshot shows a toolbar with icons for 'New Transcript', 'Open Transcript', 'Update Transcript', 'Go To Page', 'Full Text Query', 'Connect', and 'Quick Mark'. Below the toolbar, the text 'PUBLIC REDACTION' is visible on the left, '(91)' in the center, and 'Local' on the right.

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

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

Registrar: Mr. Hans Holthuis, Registrar

Public Order

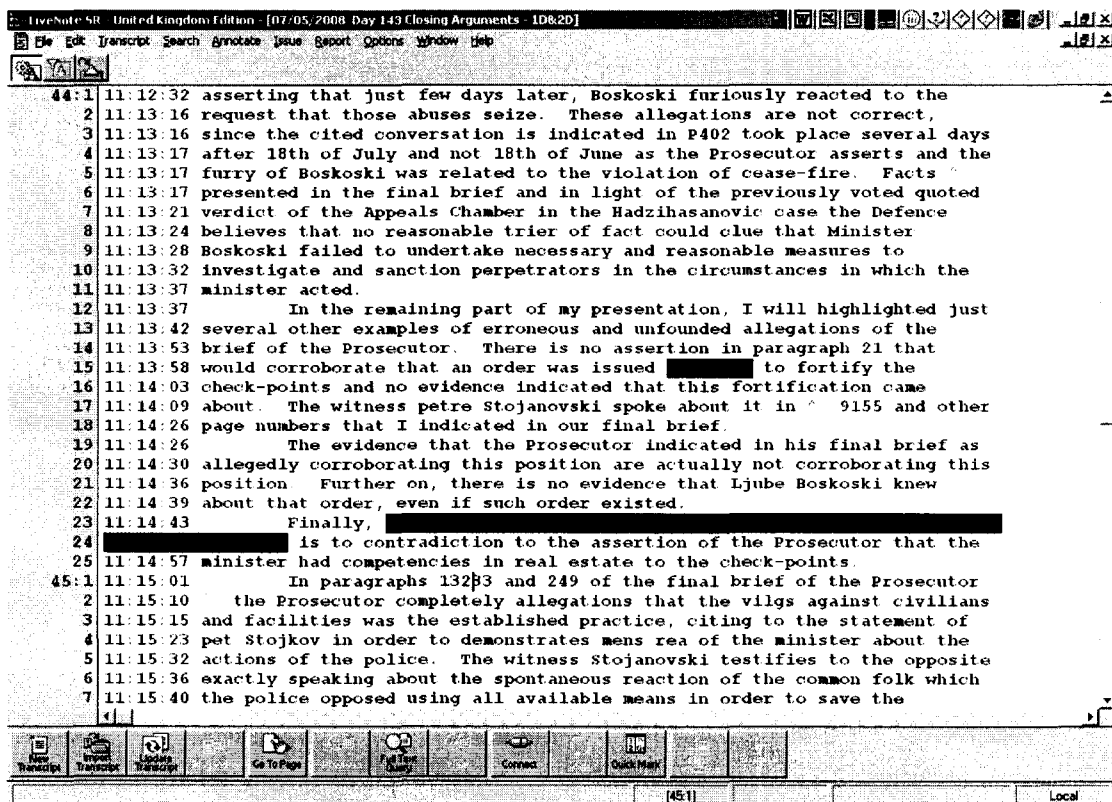
The Prosecutor
v.
Ljube BOŠKOSKI
Johan TARČULOVSKI

**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 07 May 2008 and be edited from the public broadcast of this hearing.



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
Kevin Parker
Presiding Judge

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 07 May 2008 and be edited from the public broadcast of this hearing.

LiveNote SR United Kingdom Edition [07/05/2008 Day 149 Closing Arguments - 1D&2D]

File Edit Transcript Search Annotate Issue Report Options Window Help

16 11:16:52 That means after the Ljuboten events. This fact that the individuals
17 11:17:03 allegedly who had criminal background whose names were shown to the
18 11:17:08 witness Dzoko Popovski became members of the reserve forces as of 16th of
19 11:17:19 August, 2001. Is based on the Exhibit P92 --
20 11:17:30 THE INTERPRETER: Interpreter's correction P292.
21 11:17:32 MS. RESIDOVIC: [Interpretation] Which is in tab 17B and P586, in
22 11:17:37 at that point tab 17D. In addition to this, the sanctions for those
23 11:17:43 individuals were uks punged as can seen from the Exhibit 1D329 in tab 17C
24 11:17:54 where the Criminal Code establishes the time frame for expunging the
25 11:18:02 previously pronounced sentences or convictions.
46:1 11:18:06 In addition to this, the Prosecutor failed to prove that the
2 11:18:10 persons were under the effective control of the minister nor had be
3 11:18:15 profsh that those individual participated in the Ljuboten events or that
4 11:18:19 they had been perpetrators of any crime. In addition to this, the
5 11:18:25 Prosecutor failed to offer single proof that the persons from the list
6 [REDACTED] issued weapons after the alleged order of Petra Stojanovski
7 11:18:39 and Goran Mitevski had any criminal background. Look at Exhibit 1D263 in
8 11:18:46 tab 17. 1D264 in tab 17A.
9 11:18:56 In relation to these individuals, the Prosecutor failed to show
10 11:19:01 or prove that they had ever become de jure or de facto members of the
11 11:19:07 Ministry of Interior, nor that they had been under the control of
12 11:19:11 Minister Boskoski.
13 11:19:12 Ljube Boskoski had no knowledge about that issuance of weapons,
14 11:19:19 nor had any evidence been offered to corroborate this. Also, in the
15 11:19:25 course of procedure, the Prosecutor failed to offer any evidence that the
16 11:19:29 persons from the list of PSOLO of 25th and 26th of July, 2001, had
17 11:19:35 criminal backgrounds. At any rate, there is no evidence that Ljube
18 11:19:40 Boskoski knew of any of the aforementioned issuance of weapons.
19 11:19:51 In relation to the carrying out of joint operations, in his final
20 11:19:59 -- in his closing arguments the Prosecutor, it is the contention of the
21 11:20:08 Defence, changes his position about the joint operation in Ljuboten
22 11:20:11 village, transforming it into police operation that. Would be seen in

New Transcript Import Transcript Go To Page Full Text Query Connect Doc. Mark

[46:8] Local

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

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 07 May 2008 and be edited from the public broadcast of this hearing.

LiveNote SR - United Kingdom Edition [07/05/2008 Day 140 Closing Arguments - 10&2D]

File Edit Transcript Search Annotate Issue Report Options Window Help

24 11:31:45 Prosecution, as well as yesterday, the Prosecution claims that M-052
25 11:31:54 testified that when Atulla Qaili was allegedly beaten he was si vooerl
51:1 11:32:03 beaten when he was brought from the village into the Brace house and that
2 11:32:07 he knew that Mr. Qaili was going to die. However, the sequence of events
3 11:32:15 was not so described by M-052. What the Prosecution is concealing is
4 11:32:27 what M-052 testified in fact, that first, Mr. Qaili was brought on foot
5 11:32:34 by the forces that entered into the village, that nobody from there group
6 11:32:39 beat him, he had light marks on his body, and he could walk in a normal
7 11:32:45 fashion. That later he was severely beaten by army reservists who
8 11:32:55 inflicted heavy injured to Mr. Qaili. And then M 52 stated that he knew
9 11:33:11 that Qaili would die.
10 11:33:12 The claim that Mr. Tarculovski was seen in the Brace house in the
11 11:33:16 company of or in the presence of Minister Boskoski or during the alleged
12 11:33:22 cruel treatment, allegedly based on the evidence of Witness M-037 is not
13 11:33:31 correct. M-037 gave no evidence to that extent. It was a statement read
14 11:33:46 by the Prosecution, one that M-037 did not approve or accept; rather, [REDACTED]
15 [REDACTED]. In
16 11:34:02 other words, M-037 gave no evidence that would support the claims of the
17 11:34:12 Prosecution on that point. This is in paragraph 69 of the final brief of
18 11:34:25 the Prosecution, and I wish to point to the Court the testimony of M-037
19 11:34:35 of transcript pages 837 to 876 which is to be found in tab 1 of the
20 11:34:43 binder.
21 11:34:43 In paragraph 143, the Prosecution claims that M-039 testified
22 11:34:54 that the house of Qani Jashari was burned after the deaths of Khelal
23 11:35:02 Bajrami, Bajram Jashari and Kadri Jashari. The sequence of events in the
24 11:35:17 testimony of M 39 is different. He firmly claimed during the trial that
25 11:35:25 first the house was set on fire and that the persons jumped out from the
52:1 11:35:25 burning house. What the Prosecution is doing is trying to improve the
2 11:35:33 credibility of witness M-039 because such testimony is not corroborated
3 11:36:04 by witnesses M-088 and M-092, because the Prosecution does not pro proof
4 11:36:05 from where and when three's houses were burnt.
5 11:36:05 The Prosecution uses part of witnesses' testimony that suits

New Transcript Empty Transcript Load Transcript Go To Page Find Text Query Connect Deck Mark

[51:23] Local

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

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 07 May 2008 and be edited from the public broadcast of this hearing.

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

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 07 May 2008 and be edited from the public broadcast of this hearing.

LiveNote SR United Kingdom Edition [07/05/2008 Day 149 Closing Arguments - ID&2D]

File Edit Transcript Search Annotate Issue Report Options Window Help

18 12:20:52 Macedonian security forces that took part in the operation. There is no
19 12:20:59 evidence that anyone sought his advice or approval regarding any aspect
20 12:21:05 of this operation. There is no evidence that Mr. Tarculovski controlled
21 12:21:11 any of the alleged unidentified perpetrators at the time of the alleged
22 12:21:17 crimes.
23 12:21:21 The Prosecution claims that Tarculovski drew his authority from
24 12:21:28 Ljube Boskoski. Still, Mr. Tarculovski never met Mr. Boskoski in or
25 12:21:36 around the village of Ljuboten. He had nothing to do with Mr. Boskoski
67:1 12:21:44 as regards the operation. He never discussed the operation with him. He
2 12:21:52 never called him during that weekend. The claim of M-052 that
3 12:22:02 Mr. Tarculovski came to [REDACTED] three to five weeks
4 12:22:07 before the events in Ljuboten should be disregarded as uncorroborated and
5 12:22:15 false. It is claimed that this is corroborated by witness M-053.
6 12:22:42 However, M-053 testified that he saw Mr. Tarculovski [REDACTED]
7 [REDACTED] only in August 2001, not three to five weeks before the 10th of
8 12:22:43 August, 2001. M-052 even was caught lying in this regard, [REDACTED]
9 [REDACTED]
10 12:22:53 he claimed that Mr. Boskoski called him for the first time regarding
11 12:22:58 Johan on the 11th of August, 2001, on the day when the soldiers were
12 12:23:08 buried. Such tendency to invent things and to fabricate things will be
13 12:23:16 relevant to the Trial Chamber not to put any weight on this testimony.
14 12:23:21 As a further attempt to minimise his role and to avoid potential
15 12:23:26 roblt, [REDACTED]
16 [REDACTED]. On the contrary, Major Despodov testified to the
17 12:23:37 fact that Mr. Tarculovski did not ask for any fire support, and the other
18 12:23:44 representatives of the Ministry of Interior informed him that this is an
19 12:23:47 action in the planning and they requested such support. Again, this
20 12:23:55 participation of Mr. Tarculovski is in line with the instruction of the
21 12:23:57 president, to be on the ground and monitor the events.
22 12:24:02 Mr. Keskovski, head of the security of the president, testified
23 12:24:08 that sometimes he himself would establish a link between the president
24 12:24:13 and the forces on the ground.

New Transcript Import Transcript Loading Transcript Go To Page Full Text Query Comment Quick Mark

[67:19] Local

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

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 07 May 2008 and be edited from the public broadcast of this hearing.

LiveNote SR - United Kingdom Edition - [07/05/2008 Day 143 Closing Arguments - 1D0:2D]

File Edit Transcript Search Annotations Issue Report Options Window Help

10 13:16:28 the NLA positions that were clearly identified. There is clear evidence
11 13:16:32 that it was the army who killed the NLA terrorists who were fleeing the
12 13:16:38 Jashari house. The Prosecution is misleading the Trial Chamber with the
13 13:16:45 map, Exhibit P595. However, the eye-witness, Grozdanovski, testified
14 13:16:52 that the map is not correct. Even the Prosecution, in its indictment,
15 13:16:59 when find it is suitable for them, asserts that the position Smok of the
16 13:17:04 army of the Republic of Macedonia is 300 metres away from Ljuboten.
17 13:17:13 This is in tab 12. The Jashari house is on the part Ljuboten facing the
18 13:17:20 Smok locality. The Prosecution also disregards the testimony of M-088
19 13:17:26 and M-092 [REDACTED] and
20 13:17:45 testified to the fact that the fire [REDACTED] was coming from the army
21 13:17:46 position and from behind. Further on, the Prosecution is concealing
22 13:17:50 that, according to the autopsy and ballistic report Kadri Jashari was hit
23 13:18:00 with one bullet with unknown calibre and for the rest of the ballistic
24 13:18:06 report it is impossible to identify all of the bullets found in their
25 13:18:11 body. However a bullet of 7.9 millimetres was recovered in the cemetery
75:1 13:18:18 and it was sent for ballistic expertise, Exhibit 1D222.
2 13:18:45 Further on t is a testimony of the army that they shot not evenly
3 13:18:45 with snipers but also with Kalashnikov. Any of them could have caused
4 13:18:45 the death of the alleged victims. It was even proven that some of the
5 13:18:48 alleged victims were wearing black uniforms, such as the ones that the
6 13:18:51 nam was using and are in evidence. It is rather strange to see where
7 13:18:57 civilians would wear black jackets and trousers in summer at a
8 13:19:01 temperature of 40 degrees centigrade. It was not established beyond a
9 13:19:09 reasonable doubt that Johan Tarculovski was aware when three killed
10 13:19:17 individual -- that killed individuals that he had allegedly seen were
11 13:19:21 unarmed simps. On the contrary, arms and ammunition that the Macedonian
12 13:19:27 army and police were not using were immediately seized and immediately
13 13:19:35 shown to -- allegedly to Johan Tarculovski. The Defence does not oppose
14 13:19:47 the contention that Johan Tarculovski had in good faith believe that
15 13:19:49 there had been NLA members in the village. That is in paragraph 58.
16 13:19:56 Having allegedly seen three killed NLA terrorists carrying weapons,

New Transcript Import Transcript Go To Page Find Text Query Connect Quick Mark

[75.7] Local

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