

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

14 09:55:46 At page 11112 of the transcript, [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED] Mitre Despodov
20 09:57:01 would also be in charge of taking other measures." This was no mention
21 09:57:01 of any order from President Trajkovski. Indeed, there was no mention of
22 09:57:01 President Trajkovski at all. This is at page 8270 to 8271 and pages 8312
23 09:57:13 to 8313.
24 09:57:13 Your Honours, at page 11112 of the transcript yesterday just a
25 09:57:18 few minutes after relying on the testimony of M-052, [REDACTED]
19:1 [REDACTED]
2 Mr. Apostolski urged you to disregard the evidence of M-052 in
3 09:57:39 its entirety, alleging that M-052's evidence is false, unreliable and
4 09:57:47 self-serving. That is a puzzling argument indeed, given that the
5 09:58:05 Tarculovski Defence seeks to rely on important parts of M-052's
6 09:58:05 testimony.
7 09:58:05 At page 11130, [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 10:00:10 At page 11124 of yesterday's transcript, my colleague told the
23 10:00:17 Chamber: "After the resistance was neutralized, the attack stopped."

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
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LiveNote SR - United Kingdoms Edition - 10B/05/2008 Day 144 Closing Arguments

2 10:03:39 that was a legitimate anti-terrorist operation, Your Honours, why did the
3 10:03:46 police officers burn crosses in the back of detained persons, beat them
4 10:03:54 and kill them?
5 10:04:01 At page 11127 of the transcript, my colleague argued that, in
6 10:04:10 general, that Mr. Tarculovski was not in control of the situation at
7 10:04:15 Ljuboten and had no authority over the other police officers who entered
8 10:04:21 the village that day. But the evidence is overwhelming that
9 10:04:29 Mr. Tarculovski was the leader of the police unit that attacked Ljuboten
10 10:04:40 with authority over the participants in the attack. On the 10th and 11th
11 10:04:42 of August, Mr. Tarculovski procured assistance for the police unit. On
12 10:04:48 the evening of 11 August, Mr. Tarculovski told Major Despodov: "Tomorrow
13 10:04:55 I will start the action."
14 10:04:57 That's in Exhibit P302 and P303.
15 10:05:05 On the 12th of August, [REDACTED]
16 [REDACTED]
17 [REDACTED] further into the
18 10:05:25 village, because artillery support from the army units was expected. It
19 10:05:36 was Mr. Tarculovski who explained the situation to M-037 at the Ametovski
20 10:05:42 house, and it was Mr. Tarculovski who told M-037 that an inspection was
21 10:05:49 not necessary at the Jashari house.
22 10:05:55 At page 11128, Mr. Apostolski argues that the Prosecution failed
23 10:06:04 to prove that Mr. Tarculovski made his comment "there is no need for an
24 10:06:14 inspection. This is a state of war," from a position of authority. But
25 10:06:21 this is circular reasoning, indeed, since Mr. Tarculovski's comment
22:1 10:06:27 proved his position of authority.
2 10:06:32 M-052 described the role of Mr. Tarculovski this way, at page
3 10:06:39 8271: "These units that was -- that came, responsible for that unit was
4 10:07:15 Mr. Johan. He was their boss. Whether he had a rank or not, I don't
5 10:07:15 know. I didn't know what was his position. I know only that he was
6 10:07:16 their boss."
7 10:07:16 Mr. Apostolski argued that the Prosecution checked the records at
8 10:07:24 Basic Court I in Skopje, the records of the public prosecutor, and the

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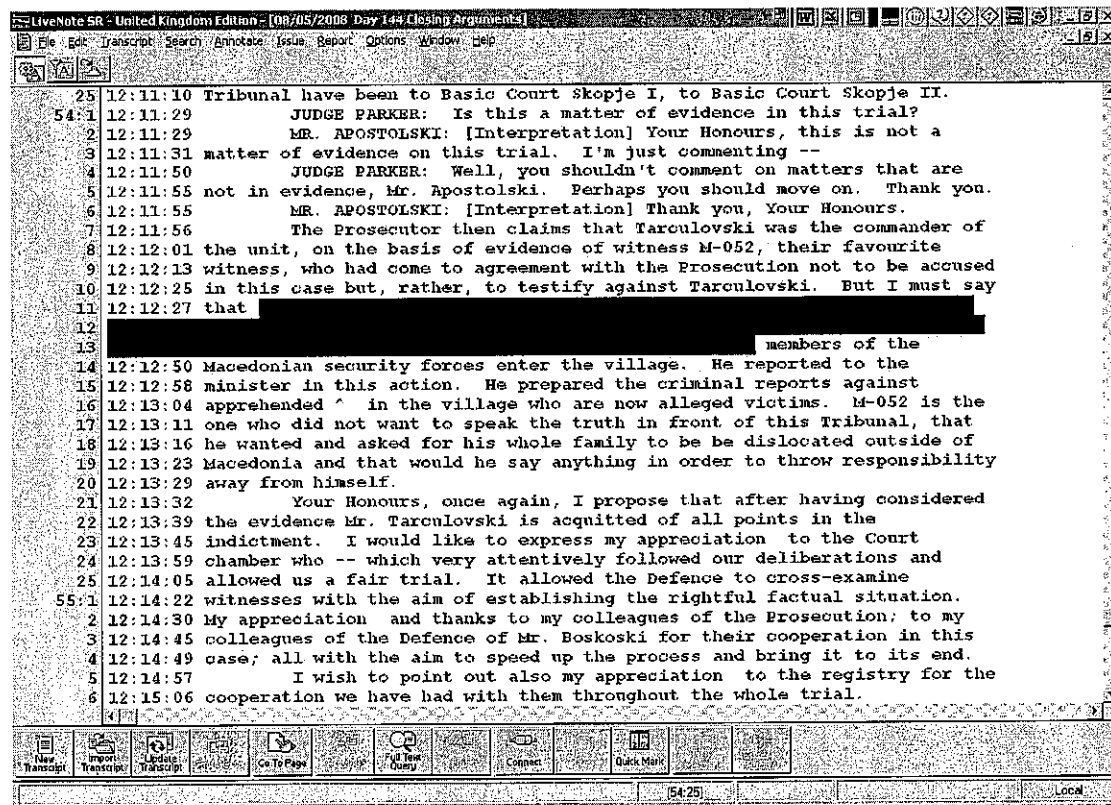
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