Before:

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

Registrar:

Mr. Hans Holthuis, Registrar

#### **Public Order**

The Prosecutor

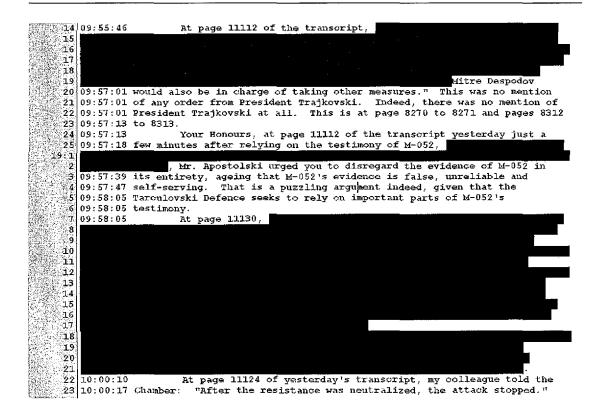
Ljube BOŠKOSKI Johan TARČULOVSKI

## 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 08 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.

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Kevin Parker Presiding Judge

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IT-04-82-T

23 May 2008

Case No. Date : In the Trial Chamber II

Case No. Date : IT-04-82-T 23 May 2008

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

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🖂 LiveNote SR - United Kingdom Edition - [08/05/2008 Day 144 Closing Arguments]
E Die Edt. Darschel Sparch annotate Saus Bepert Options. Window Help:
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
5 10:04:01 At page 11127 of the transcript, my colleague argued that, in
<ul> <li>6 10:04:10 general, that Mr. Tarculovski was not in control of the situation at</li> <li>7 10:04:15 Ljuboten and had no authority over the other police officers who entered</li> <li>8 10:04:21 the village that day. But the evidence is overwhelming that</li> <li>9 10:04:20 Mr. Tarculovski was the leader of the police unit that attacked Ljuboten</li> <li>10:04:20 Mr. Tarculovski procured assistance for the police unit. On</li> <li>10:04:40 with authority over the participants in the attack. On the 10th and 11th</li> <li>11:04:42 of August, Mr. Tarculovski procured assistance for the police unit. On</li> <li>10:04:45 I will start the action."</li> <li>10:04:57 That's in Exhibit P302 and P303.</li> <li>10:05:05 On the 12th of August,</li> <li>10:05:25 village, because artillery support from the army units was expected. It</li> <li>10:05:36 was Mr. Tarculovski who explained the situation to M-037 at the Ametovski</li> <li>10:05:42 house, and it was Mr. Tarculovski who told M-037 that an inspection was</li> <li>10:05:55 At page 11128, Mr. Apostolski argues that the Prosecution failed</li> <li>10:06:14 inspection. This is a state of war, " from a position of authority. But</li> <li>10:06:27 proved his position of authority.</li> <li>10:06:32 M-052 described the role of Mr. Tarculovski this way, at page</li> <li>10:06:32 M-052 described the role of Mr. Tarculovski this way of the day it was</li> </ul>
7 10:04:15 Ljuboten and had no authority over the other police officers who entered
10:04:21 the village that day. But the evidence is overwhelming that
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."
T4         10:04:57         That's in Exhibit P302 and P303.           15         10:05:05         On the 12th of August.
15 10:05:05 On the 12th of August
16 17 further into the
18 10:05:25 village, because artillery support from the army units was expected. It
10 10:05:25 villags, because altitudy supplained the situation to M-037 at the Ametovski
20 10:05:42 house, and it was Mr. Tarculorski 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
22 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
222 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
ATTACK ATTO ME, BOHAM, HE HAS CHOLL DODS, AMCONCE NO MAK & WHAT I HELL, BOHAM, HE HAS CHOLL DODS,
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."
1 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
[1:10] [2:10] Lecal

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Kevin Parker Presiding Judge

Case No. Date :

IT-04-82-T 23 May 2008 19509

Before:

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

Registrar:

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#### Public Order

The Prosecutor

Ljube BOŠKOSKI Johan TARČULOVSKI

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にLiveNote SR - United Kingdom Edition - [08/05/2008 Day 144 Llosing Arguments]
· · · · · · · · · · · · · · · · · · ·
25 12:11:10 Tribunal have been to Basic Court Skopje I, to Basic Court Skopje II.
541 12:11:29 JUDGE PARKER: Is this a matter of evidence in this trial?
2 12:11:29 MR. APOSTOLSKI: [Interpretation] Your Honours, this is not a
12:11:31 matter of evidence on this trial. I'm just commenting
1 12:11:50 JUDGE PARKER: Well, you shouldn't comment on matters that are
5 12:11:55 not in evidence, Mr. Apostolski. Perhaps you should move on. Thank you.
6 12:11:55 MR. APOSTOLSKI: [Interpretation] Thank you, Your Honours.
7 12:11:56 The Prosecutor then claims that Tarculovski was the commander of
8 12:12:01 the unit, on the basis of evidence of witness M-052, their favourite 9 12:12:13 witness, who had come to agreement with the Prosecution not to be accused
10 12:12:25 in this case but, rather, to testify against Tarculovski. But I must say
10 12:12:23 that Case but, father, to testing against fatentovski. But Fakes Sig
members of the
54:1 12:11:29 JUDGE PARKER: Is this a matter of evidence in this trial? 12:11:29 MR. APOSTOLSKI: [Interpretation] Your Honours, this is not a 12:11:31 matter of evidence on this trial. I'm just commenting 12:11:50 JUDGE PARKER: Well, you shouldn't comment on matters that are 12:11:55 MR. APOSTOLSKI: [Interpretation] Thank you, Your Honours. 12:11:55 MR. APOSTOLSKI: [Interpretation] Thank you, Your Honours. 12:11:56 The Prosecutor then claims that Tarculovski was the commander of 12:12:13 witness, who had come to agreement with the Prosecution not to be accused 12:12:27 that 12:12:27 that 12:12:50 Macedonian security forces enter the village. He reported to the 12:12:58 minister in this action. He prepared the criminal reports against
15 12:12:58 minister in this action. He prepared the criminal reports against
16 12:13:04 apprehended ^ in the village who are now alleged victims. M-052 is the
17 12:13:11 one who did not want to speak the truth in front of this Tribunal, that
18 12:13:16 he wanted and asked for his whole family to be be dislocated outside of
A way we have a second to be a start would be seen to the and a second balling of the second se
20 12:13:29 away from himself.
21 12:13:32 Your Honours, once again, I propose that after having considered
22 12:13:39 the evidence Mr. Tarculovski is acquitted of all points in the
23 12:13:45 indictment. I would like to express my appreciation to the Court
24 12:13:59 chamber who which very attentively followed our deliberations and
25 12:14:05 allowed us a fair trial. It allowed the Defence to cross-examine
551 12:14:22 witnesses with the aim of establishing the rightful factual situation.
2 12:14:30 My appreciation and thanks to my colleagues of the Prosecution; to my
3 12:14:45 colleagues of the Defence of br. Boskoski for their cooperation in this
and the state of t
5 12:14:57 I wish to point out also my appreciation to the registry for the
6 12:15:06 cooperation we have had with them throughout the whole trial.
[54:25] [Jood]

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