In the Trial Chamber II D 5788 - D 378 Case No.

IT-05-87/1-T 26 August 2009 5788

Before:

872009 Judge Kevin Parker, Presiding Judge Christoph Flügge Judge Melville Baird

Date :

Registrar:

Mr. John Hocking

**Public Order** 

The Prosecutor ν. Vlastimir Đorđević

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)

4-05-87/1-T

ORDERS that the following blacked-out text be omitted from the public transcript of the hearing dated 26 August 2009 and be edited from the public broadcast of this hearing.

	2009 26#06/2009 Day 116 + LiveNote, Inc.]	• 🗗 🗙
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80		
	7 NATO forces well, there wasn't any NATO bombing when they were passing	
	4 by. Now, where they were going well, we had some water we didn't	
	1 have any water at Zub where we were but we had to go down there. Perhaps	
	8 they had a tents there or something. I really don't know, I don't know	
	0 how they came to be there.	
909:27:2		
10 09:27:3		
11 09:27:4	· · · · · · · · · · · · · · · · · · ·	
	4 spoke about the killing of some 15 to 20 men who were taken from a column	
14 09:28:1	7 forced to don KLA uniforms and then shot execution style by members of	2
14 09:28:1		
16 09:28:3		
17 09:28:3		
0.12332222222222222200	9 Just to be clear about your testimony, there's one or two things that I'm	
	2 knots entirely clear. I'd like to just go over with you what entirely	
	8 you saw. Did you see when VJ soldiers separate or may I just withdraw	
	9 that and put it this way: Did you see how the men were separated from	
	4 the women in the column?	
23 09:29:0		
23 09:29:0		
25 09:29:2		
11:109:29:2		
2 09:29:3		
	6 civilian clothes into KLA uniforms?	
4 09:29:5		
	2 They were to the left of us. It was the surrounding area of Orahovac. I	
	8 don't know which village exactly. They have a different accent so I	
	6 can't say which village they came from, but I know that it was in the	
	o surrounding area of Orahovac	
9 09 : 30 : 2		
10 09:30:3	5 incident itself, not generally where they are from.	
11 09:30:4		
K		2
New Open Links	C Q Q C C C C C C C C C C C C C C C C C	

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Kevin Parker Presiding Judge

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Case No.

IT-05-87/1-T 26 August 2009

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The Prosecutor v. Vlastimir Đorđević

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17         10:07:32           18         10:07:32           19         10:07:39           20         10:07:34           21         10:07:32           21         10:07:32           23         10:07:32           24         10:08:06           22         10:08:06           23         10:08:11           24         10:08:21	A. Well, I do agree with him, <b>Series</b> I suppose he knows about these things.	- 3 >
$\begin{array}{c} 17 \ 10: 07: 32 \\ 18 \ 10: 07: 32 \\ 19 \ 10: 07: 32 \\ 20 \ 10: 07: 32 \\ 21 \ 10: 08: 06 \\ 22 \ 10: 08: 06 \\ 23 \ 10: 08: 11 \\ 24 \ 10: 08: 22 \end{array}$	the maximum range. Q. Now, witness would you agree with me that the maximum range of a 120 millimetre mortar with a $5th^{\circ}$ range is $5520$ ch metres? A. I don't know. Q. When we are on the subject, let me ask you this, do you consider a reliable source information from the commander who was is a captain now, A. Well, I do agree with him, I suppose he knows about these things.	
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24 10:08:22	now, A. Well, I do agree with him, I suppose he knows about these things.	
	A. Well, I do agree with him, <b>Series</b> I suppose he knows about these things.	
	these things.	
25 10:08:30		
210:08:37	Q. K89, I'm asking you this for the simple reason that you said that	
	from Sulani, and you marked Sulani, that you targeted Smolnica. Now, in	
	your statements, and I quoted paragraph 15, and you repeated this in the	
	Milutinovic trial it says that Smolnica was 8 or 9 kilometres away from	
	Sulani. Now, if we take into account the range that I mentioned for the	
	120 millimetre mortar, can you explain it to us how it was possible to	
	target Smolnica from Sulani then?	
910:09:38	A. Well, it's like this, I said that we targeted in that direction,	
	in the direction of Smolnica. I don't know whether we could have hit	
	Smolnica or not. I couldn't see it. It's not flat land, it's across the	
	hill. So I wasn't clear on what we were targeting. Perhaps there was	
	another village in front of Smolnica, I don't know what Smolnica is in	
	fact, is it a village or a town? Perhaps the KLA had a stronghold.	
	perhaps the Albanians had a stronghold around the village or in the	
	village itself, but I'm not quite clear on that. I don't actually know.	
17 10:10:21	Q. Can I conclude that you actually don't know if you could hit	
	Smolnica from Sulani with mortar fire? When I say Smolnica, I think of	
	the village of Smolnica, but you just had the information to fire in the	
	direction of Smolnica wherever that was?	
21 10 : 10 : 47	A Yes.	
22 10:10:51	Q. So to continue with Sulani, when you came to Sulani	
23 10:11:14	MR. POPOVIC: [Interpretation] Your Honours, perhaps we could move	
24 10:11:16	to a private session, please.	
<b>4</b> 5		*
New Open Charge	COL	
PUBLIC · Post session redaction	[23:25]	Stopped

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-	009 26/08/2009 Day 116 LiveNote, Inc.] rch Amotate [ssue Besort Qotions Window Help	
4 11: 40: 36	at.	*
5 11.40:36	JUDGE PARKER: Could you help me with something. You've told us	
6 11:40:39	) that the mortars, you didn't unload from the trucks. They remained on	
7 11:40:47	the trucks, did they?	
8 11:40:50	THE WITNESS: [Interpretation] Yes, correct, they were attached to	
9 11:40:59	the trucks.	
10 11:41:01	JUDGE PÄRKER: What weapons did you have?	
11 11:41:06		
12 11:41:1:		
13 11:41:14		
14 11:41:34	Q. K89, if you were at a distance 180 to 1200 metres from the	
	i infantry frontline, am right to say that you and your mortars were under	
16 11 : 42 : 03	threat, jeopardized by the fire-power of the opposite side?	
17 11:42:05		
18 11:42:0	9. Would you change your testimony if I were to tell you that	
19 11:42:05	Lieutenant whom we've already mentioned, gave a statement to the	
20 11:42:13	B Tribunal's investigators and that in that statement he said that you	
21 11:42:10	5 never approach closer to 1 kilometre from the frontline, infantry	
22 11:42:23	3 frontline?	
23 11:42:23	A. Well, I don't really know. Perhaps what he said was true, but I	
24 11:42:33	i know that we were there in that area, and that we were at that distance.	
25 11:42:41	L Now, why we were at that distance, I'm not quite clear. But we did go	1
45:111:42:40	together with them. We also went on our own. We were there for a couple	
2 11:42:53	l of days. Just our mortar unit.	
3 11: 42: 50	Q. There's a difference in what he says and what you say. In fact,	
4 11:43:05	) it's the exact opposite. There's an enormous amount of difference. If	
5 11:43:13	3 you said that what he says might be true, then some of what you said or	
6 11:43:19	) what he said well, the truth can't be both ways, so would you change	
	your testimony if I put it to you that that is what he said? Do you	
8 11 : 43 : 33	3 allow for the possibility of him being right?	
9 11:43:3	MR. STAMP: Your Honour, it's asked and answered and most of his	
10 11:43:35	) question is composed of arguments.	
11 11:43:40	JUDGE PARKER: I think you can certainly clarify whether the	
<b>c</b>		- <b>5</b> -
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LiveNote SR - [26/08/2009 26/08/2009 Day 116 + LiveNote, Inc.]	
Elle Edit Iranscript Search Annotate Issue Report Options Window Help	- 6
45:111:42:46 together with them. We also went on our own. We were there for a couple	
211:42:51 of days. Just our motar unit.	
311:42:56 Q. There's a difference in what he says and what you say. In fact,	
4 11:43:09 it's the exact opposite. There's an enormous amount of difference. If	
511:43:13 you said that what he says might be true, then some of what you said or	
6[11:43:19] what he said well, the truth can't be both ways, so would you change	
7 11:43:27 your testimony if I put it to you that that is what he said? Do you	
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911:43:37 MR. STAMP: Your Honour, it's asked and answered and most of his	
10 11:43:39 question is composed of arguments.	
1111:43:46 JUDGE PARKER: I think you can certainly clarify whether the	
12 11: 43: 53 witness holds to his position that at least at times he was just 150 to	
13 11:44:02 200 metres or something like that behind the frontline. If he holds to	
14/11:44:07 that, I don't think you need anything more, Mr. Popovic.	
1511:44:11 KR. POPOVIC: [Interpretation] Thank you, Your Honour. I was just	
16[11:44:27 prompted by what the witness said when he said that perhaps what	
17 h1:44:32 <b>Computer by</b> what the victors state when he said that perhaps what 17 h1:44:32	
18 11: 44:37 why I went on to ask him my subsequent question but we can move on to	
1911:44:43 another area.	
2011:44:44 JUDGE PARKER: Ask him whether it remains his view whether they	
21/1:44:48 were at times only 150 to 200 metres behind. You've already told him	
2211:45:04 what the lieutenant said.	
23]11:45:04 MR. POPOVIC: [Interpretation] Yes, thank you.	
2411:45:06 Q. I'd like to move on to paragraph 28 of your statement dated	
2511:45:14 January 2006 and the events you talked about in the Milutinovic trial.	
45:11:45:29 Here you refer to the event when you actually say the killing and my	
211:45:36 question to you linked to this paragraph is this: Was it a terrible	
3 [11:45:41 event that imprinted itself on your mind and do you remember it so well	
4 11:45:50 that you can provide us with more detailed information linked to this	
511:45:56 event?	
6µ1:45:59 A. Well, I was in the army of course. I didn't like seeing what was	
7 11:46:06 happening. I didn't take it lightly. Well, I don't know. I saw what I	
811.46:14 saw and i did embed itself in my memory.	
	>
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PUBLIC - Post session reduction [45,17]	Stopped

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